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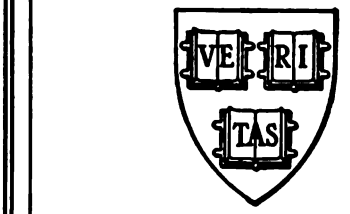

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FROM

Prof. James R. Lowell

Wm. Wirt Attorney Gen. U. S.

MEMOIRS

OF THE

LIFE OF WILLIAM WIRT,

ATTORNEY-GENERAL OF THE UNITED STATES.

BY

JOHN P. KENNEDY.

A NEW AND REVISED EDITION.

TWO VOLUMES IN ONE.

VOL. I.

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TO THE

YOUNG MEN OF THE UNITED STATES,

WHO SEEK FOR GUIDANCE TO AN HONOURABLE FAME,

These Memoirs

ARE RESPECTFULLY INSCRIBED BY

THE AUTHOR.

BALTIMORE, *April* 12, 1849.

PREFACE TO THE NEW EDITION.

THE rapid sale of the first edition of these Memoirs brings a very agreeable testimony to the appreciation which the public has made of the character of him whose life I have attempted to illustrate.

In the preparation of the present edition, I have found necessity and opportunity for a revision of my work, which has enabled me to make some emendations; to correct some errors, both of the printer and my own; and now to offer it to the public in a condition, I hope, more worthy of that kind reception it has already met with.

J. P. KENNEDY.

BALTIMORE, December, 1849.

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INTRODUCTION.

A NARRATIVE of the life of WILLIAM WIRT will present us the career of one who, springing from an humble origin, was enabled to attain to high distinction amongst his countrymen. Whether the incidents of that career are sufficiently striking to communicate any high degree of interest to his biography, the reader will determine for himself in the perusal of these pages. Mr. Wirt's life was, in great part, that of a student. His youthful days were passed in preparation for his profession. His manhood was engrossed by forensic labours. Old age found him crowned with the honours of a faithfully earned juridical renown.

His social life was one of great delight to his friends. It was embellished with all the graces which a benevolent heart, a playful temper and a happy facility of discourse were able to impart. With mankind, beyond the circle of his personal friends, he had no great acquaintance. He was not much of a traveller. Occasionally touching upon the confines of political life, he was, nevertheless, but scantily entitled to be called a statesman. For twelve years Attorney General of the United States, and consequently a member of the Cabinet through three Presidential terms, his participation in government affairs went very little beyond the professional duties of his office. He had a strong talent and, with it, an eager inclination for literary enterprise. To indulge these was the most ardent wish of his mind; but the pressure of his circumstances kept him under a

continual interdict. What he has given to the world, therefore, in this kind, is small in amount, and given under conditions that should almost disarm criticism. The few works which he has left behind, however will be found to merit, as in his lifetime they received, the praise due to the productions of an instructive and pleasant writer.

A life confined to the pursuits indicated in this sketch, may not be expected to charm the reader by the significance of its events. It is much more a life of reflection than of action; more a life of character than of incident. I have to present to the world a man greatly beloved for his social virtues, the illustrations of which are daily fading away with the fading memories of contemporary friends, now reduced to a few survivors: a man of letters and strong literary ambition, but who had not the leisure to gratify a taste in the indulgence of which he might have attained to high renown: a public functionary, who had no relish for politics, and who was, consequently, but little identified with that public history which so often imparts the only value to biography: a lawyer who, with a full measure of contemporary fame, has left but little on record by which the justice of that fame might be estimated.

These are the chief impediments to the success of the task I have assumed. Yet I do not doubt that, from the material at my disposal, I shall be able to furnish an agreeable image of a man whose character will win the affections of the generation which succeeds him, as it did of those amongst whom he lived.

LIFE OF WILLIAM WIRT.

CHAPTER I.

1772—1783.

PARENTAGE OF WILLIAM WIRT.—HIS BIRTH.—WILL OF JACOB WIRT.—PATRIMONY.—AUTOBIOGRAPHICAL MEMOIR OF TEN YEARS.—BLADENSBURG.—THE SCHOOLMASTER.—MOTHER AND AUNT.—A THUNDERSTORM.—OLD INHABITANTS OF BLADENSBURG.—THE DANCING MASTER.—A GHOST STORY.—PERFORMANCE ON THE SLACK WIRE.—LEE'S LEGION.—THE YOUNG DRUMMER.—MR. ROGERS' SCHOOL IN GEORGETOWN.—MRS. SCHOOLFIELD.—MRS. LOVE AND HER FAMILY.—RURAL LIFE AND ITS IMAGES.—MR. DENT'S SCHOOL, CHARLES COUNTY.—ALEXANDER CAMPBELL.—THE PEACE.—DAY DREAMS.—COLONEL LEE.—MR. HUNT'S SCHOOL IN MONTGOMERY.—EARLY ACQUAINTANCES.—MUSIC.—A FOX HUNT.

THOSE who best remember William Wirt, need not be reminded how distinctively his face and figure suggested his connection with the German race. The massive and bold outline of his countenance, the clear, kind, blue eye, the light hair falling in crisp and numerous curls upon a broad forehead, the high arching eyebrow, the large nose and ample chin, might recall a resemblance to the portrait of Goethe. His height rather above six feet, his broad shoulders, capacious chest and general fullness of development, were equally characteristic of his Teutonic origin. The ever-changing expression of his eye and lip, at one moment sobered with deep thought, and in the next radiant with a rich, lurking, quiet humour that might be seen coming up from the depths of his heart and provoking a laugh before a word was said—these were traits which enlivened whatever might be supposed to be saturnine in the merely national cast of his features.

His father, Jacob Wirt, was from Switzerland:* his mother, Henrietta, was a German. Jacob, with his brother Jasper Wirt, had settled in Bladensburg, in Maryland, some years before the war of the Revolution. Jacob had six children, three sons and three daughters, of whom William was the youngest. He had gathered some little property in Bladensburg, and supported his family there chiefly by keeping a tavern, the avails of which, together with some small rents accruing from a few lots in the village, enabled him, in an humble way, to maintain a comfortable household.

William was born on the 8th of November, in the year 1772. In less than two years after this date, Jacob Wirt died, leaving a small heritage to be divided between his wife and children. His will, which is on record in Prince George's county, assigns to his wife Henrietta "one half lot of ground in Bladensburg, No. 5, on which the billiard room is built, and on which I am now building a new house." After her death this lot was to "be appraised and to descend to my eldest son, Jacob Wirt, provided he pay out of the appraised value of said house and half lot, to each of my other children, one equal part, share and share alike, to wit: to my daughters Elizabeth, Catharine and Henrietta, and my son Uriah-Jasper and William,—to each and every of which I give and bequeath one equal part of the appraised value of the above premises." The will mentions, besides this property, "the brick store in Bladensburg," rented at twenty-five pounds sterling per annum to Cunningham and Co.;—and "my tavern in which I now reside, with the back buildings, stables and lot, also the counting house before the tavern door and the smith shop." We have also a reference to two lots of ground in "Hamburg near Georgetown," and some personal estate.

This is a summary of all the worldly goods which Jacob Wirt, in the year 1774, left to be divided between his wife and six children. Henrietta Wirt, the mother of the family, died before William attained his eighth year. How much of the property we have enumerated remained in the family at that period, we have no means of knowing. The whole value of these Bladensburg and Hamburg lots, we may

* The name of Wirt or Wirth is familiar to the annals of Switzerland. The reader conversant with the history of the Reformation, will remember the unhappy fate of Adam Wirth, the deputy bailiff of Stammheim, and his two sons, John and Adrian, at Baden in 1524.

conjecture, amounted to no great sum,—perhaps not more than three or four thousand dollars. Divided, it afforded but small provision for each of the children.

It is probable that William was born in the little hotel of the village, mentioned in the will; and as this building is directed to be rented out, we may suppose that the family moved, after the death of Jacob Wirt, to the "new house" on lot No. 5. I have, in vain, endeavoured to ascertain in the village, from its present inhabitants, the truth of these conjectures, or to identify either of the houses referred to.

There are but few memorials of the family left. Humble labour with its lowly roof and frugal board may find a happy fireside, but it has few chroniclers. What is accessible to us of the history of that fireside, in whose rays the infancy of William Wirt found a cheerful and healthy light, we owe chiefly, almost wholly, to a pleasant and playful memoir which the subject of it, then Attorney General of the United States, wrote at the request of his children, in 1825, to amuse them with recollections which, it is easy to discern, still more delighted himself.

This little fragment of autobiography runs over the first ten years of the author's childhood. It is a homely, warm-hearted remembrance of a simple time, sketched, with a lively pencil, by one who never lost sight in the zenith of a brilliant fame of his obligations to those who watched his first steps and protected his earliest infancy.

I shall extract from these reminiscences what I find useful to my present purpose, without venturing to submit the whole to the eye of the public. They dwell upon incidents which, however grateful in the telling to that affectionate circle to whom the memoir was addressed, and who could find in it a thousand memories of family endearment, would, I am fearful, be considered sometimes too trivial to excite the interest of those who are strangers to the genial spirit and household mirthfulness of the writer. Even for the extracts which I may submit, I must deprecate, on this score, the too rigid criticism or fastidious comment of my reader,—asking him to remember that a father, discoursing to his children assembled around their own hearth, on topics which derive their agreeable savour from their love to him, may claim a dramatic privilege from the critic, to

have his performance judged by its adaptation to the scene, the time, the place and the persons.

With this endeavour to forestall the judgment of the reader,—indeed to bespeak his good nature—towards what it is proposed to disclose of the memoir, I would remark, by way of comment on the greater portion of these extracts, that Mr. Wirt's character was, to the latest period of his life, singularly impressed by the vivacity of his imagination. He was greatly sensitive to the influence which this predominance of the ideal had in shaping his career, and has endeavoured in the memoir, to trace the source of some distinctive currents of his life to the impressions made upon his imagination in childhood. Every one has felt these influences in greater or less degree, and most persons may be able to find in their own history some particular complexion of mind or form of habit and opinion traceable to such causes. In Mr. Wirt the effect of such influences was visible, in a very striking degree, to his friends. This may, perhaps, appear also to the reader in the course of this biography.

Bladensburg has been, for many years past, a quiet,—I may even say, without meaning unfriendly disparagement—a drowsy and stagnant little village, well known by its position on the wayside of a great thoroughfare to the national metropolis, from which it is but a few miles distant. It is somewhat famous in our annals, not only as a neutral ground where many a personal combat has decided what the world has chosen to call a point of honour, but also as the field where higher questions were put to mortal arbitrement, when the British army, in 1814, disputed with an American host for the possession of the capital. For many years past,—from a date before the commencement of the present century,—this village has been not only stationary in its growth, but even falling gradually away under the touch of time. During a great portion of this period, it was enlivened by the daily transit of some half dozen or more mail coaches, plying through to and from the capital of the United States. Twice a day the silence which brooded over its streets was broken by the blowing of horns, the clamour of stable-boys hurrying with fresh relays of horses to the doors of rival stage houses, and by the rattle of rapidly arriving and departing coaches. But even these transient glories have vanished. The rail-road, which touches only on the border of

the village, has now displaced the old stage-coach, and the village slumbers are no longer broken.

Previous to the Revolutionary war this village had a different fortune. It was then a thrifty, business-driving, little sea-port, profitably devoted to the tobacco trade, of which it constituted, at that day, quite an important mart. It was inhabited by some wealthy factors who had planted themselves there in connection with transatlantic houses, and whose mode of living, both in the character of their dwellings and in the matter of personal display, communicated a certain show of opulence to the town.

Whilst it was yet in its flourishing era, William Wirt was one of the children most familiar to its firesides—a lively, shrewd, pleasant-tempered and beautiful boy, upon whom many eyes were turned in kindly regard, though with little foresight, perhaps, of that rising fortune to which he was destined.

Touching these days he shall now speak for himself.

His reminiscences begin at some three or four years of age, when he was first sent to school. It does not often fail that our strongest recollection of infancy goes back to the schoolmaster,—that high authority whose lineaments are indelibly stamped upon the memory of childhood. Who does not remember the awe and reverence with which his young imagination invested the pedagogue beneath whose sceptre he was first taught to bow? To the child who, yet callow, looks tremblingly upon all beyond the roof-tree, the image of the schoolmaster is the embodiment of all power and all knowledge—teacher, sage, seer, magician. The trace he leaves of his form and face, his gait, his voice, his vestments, his uprising and down-sitting, incoming and outgoing, is not a thing of memory merely,—it is an assimilation of something into our organism, an incorporation of his identity with our own, which we perceive as we perceive ourselves some half century back.

Our present reminiscence, in the memoir, naturally begins with this image.

"The schoolhouse was across the street at the farther corner of the opposite square. The schoolmaster was Elisha Crown, an Englishman; a middle-sized man, stoop-shouldered, spare, rather thin-faced and of a dark complexion. He wore a suit of blue cloth, coat, waist-

coat and small-clothes, with black horn buttons, an old-fashioned cock-and-pinch hat, *the pinch in front, far projected and sharp*, a pair of silver shoe-buckles,—and was a very respectable looking old-fashioned gentleman." This picture may remind us of Hogarth's "Politician," with "the pinch" so far projecting that the candle burns a hole through it.

"The school was transferred about a mile into the country, on what was then the road from Bladensburg to Georgetown, Mr. Crown's house being on one side of the road and the school-house on the other—both of them log houses. The dwelling-house, or a house built on the same site, is now (1825) standing, and the foundation of the old schoolhouse is still visible. The land and house belonged to my uncle Jasper Wirt, whose eldest daughter Mr. Crown had married, and whose dwelling, a single-storied brick house, was not more than a quarter of a mile off, and is also still standing."

We pass now from the schoolmaster and his concerns, to an incident connected with this dwelling of Jasper Wirt, and to a pleasant family picture. The minute recollection of this incident will illustrate that sensitiveness of imagination to which we have referred.

"My mother had come over from Bladensburg, one summer evening, on a visit to my aunt, and after school I went down to join her. My aunt dwells upon my memory in strong colours. She was a tall and rather large-framed woman, with a fair complexion and a round face, that must have been handsome in her youth. She was a native of Switzerland, and had a cast of character that made her worthy of the land of William Tell. A kinder being never lived. She was full of all the charities and courtesies of life, always ready to suggest excuses for the weaknesses and frailties of others, yet without any frailty or weakness of her own that I could discover.

"She was religious, a great reader of religious books; and had a large, old folio German Bible, bound either in wood or hard black leather, with silver or brass clasps. Often have I seen her read that book with streaming eyes and a voice half choked with her feelings.

"On the evening that I am speaking of, there was one of the most violent thunderstorms I have ever witnessed. My aunt got down her Bible and began to read aloud. As the storm increased she read louder and louder. My mother was exceedingly frightened. She

was one of the most tender and affectionate of beings; but she had the timidity of her sex in an extreme degree,—and, indeed, this storm was enough to appal the stoutest heart. One flash of lightning struck a tree in the yard and ripped off a large splinter, which it drove towards us. My mother shrieked aloud, flew behind the door and took me with her. My aunt remained firm in her seat and noticed the peal in no other way than by the increased energy of her voice. This was the first thunderstorm I remember. I never got over my mother's contagious terror until I became a man. Even then, and even yet, I am rendered much more uneasy by a thunderstorm than, I believe, I should have been if my mother had, on that occasion, displayed the firmness of my aunt. I could not have been more than five or six years old when this happened. The incident and its effect on me show the necessity of commanding our fears before our children."

Another incident—

"On our way home from the schoolhouse to Bladensburg the road passed by an old field, on the outer margin of which a negro man had been buried who, it was reported, had been whipped to death by his master. Besides the boys, who went to this school from Bladensburg, there were several from the neighbourhood, and, amongst others, one whom I remember only as Zack Calvert. This boy had one evening been detained at school after all the rest of us had gone home, and had to pass the old field after daylight was gone. The next morning —full well do I remember how he made my flesh creep and my hair rise, by telling us that, in passing the field, the night before, he heard a whip-poor-will, which sate upon the gravestone of the negro, cry out 'whip him well—whip him well—whip him well,'—and that he could hear a voice answering from below, 'Oh pray!'—It was the first time that a superstitious emotion entered my mind, and I now recall how dreadfully sublime it was. My heart quaked, and yet there was a sort of terrible pleasure in it which I cannot define. It made my blood creep with horror to believe it: yet I would not have had it false. That terrible field was never afterwards passed at twilight without a race, in which I, as being youngest, was always behind, and consequently most exposed to the danger and proportionally terrified. I do not yet hear a whip-poor-will, without some of these misgivings of my childhood."

These are trifles in the review of them, though not without some small interest in connection with the person who has thought them worth recollecting. They call to memory some characteristics which his personal friends will not fail to recognise.

We have some pleasant descriptions of several merchants of Bladensburg of the old time; — of Mr. Christopher Lowndes — the "tall, spare old gentleman, in blue broadcloth and plush, and cocked hat" — remarkable for his politeness and suavity: — of Mr. Robert Dick, the silent, thoughtful man of business, residing in a beautiful mansion, "a long white house with wings, which stood on the summit of the Eastern Ridge which overlooks the town:" — Mr. Sidebotham, a stirring, busy, successful merchant, rosy from good living, who, in the old fashion of Maryland, had his bowl of toddy every day — a thorough John Bull, "proud, rough, absolute, and kind." We have shorter notices of Mr. Henderson, Mr. Huett, and Doctor Ross, Messrs. Campbell and Bruce, factors, with good capital at command. —Mr. Ponsonby was one of the magnates of the village,—a handsome man, graceful, lively, well-informed, and somewhat of the most noticeable for his beautiful bay horse, bright silver spurs, stirrups, bridle bit and whip mountings, all of glittering silver — very taking to the eye of William Wirt and the other children of the village.

In the humbler range of the inhabitants he has other equally pleasant memories.

"At the lower end of the town, towards Baltimore, the house nearest the Eastern Branch was occupied by old Mr. Martin, whom we used to call Uncle Martin — why, I know not. The Eastern Branch is subject to heavy freshets, which have flowed up to Mr. Martin's house, and sometimes overflowed the whole village. One of the most surprising and interesting spectacles to me, in those days, was this old man wading up to his waist, during a freshet, and harpooning the sturgeon. It was a whale fishery in miniature, and not less interesting to me at that date. The old man himself was an odd fish. He used to get fuddled and amuse himself with singing 'The Cuckoo's nest,' and attempting to dance a hornpipe to the tune of it. He was fond of me and petted me a good deal. I remember him with kindness. I became myself a hornpipe dancer by an occasion I will presently mention, and the old man was delighted to see me dance to

'the Cuckoo's nest,' sung by himself. His second daughter was a beautiful girl, whom I can just remember. The oldest son of my Uncle Jasper was in love with her, and I have a recollection of having heard him take leave of her, when he was going to sea to seek his fortune. He was accompanied by my eldest brother. They never returned, nor were ever heard of afterwards."

"I must not forget Colonel Tattison, as he called himself in Maryland — Colonel Degraves, as he called himself in Virginia, — the French dancing-master, whom I remember as a most symmetrical, elegant, and graceful person. To teach the new-fashioned minuet which he introduced into Bladensburg, he used to mark, for beginners, a large Z on the floor of the dancing-room with chalk, and that letter gave the figure of the dance. The house in which the school was kept stood some several hundred yards from where I lived, but whilst I was yet in petticoats, I used to steal away from home to see Tattison dance his minuet. — My eldest sister, a beautiful brunette, not then fully grown, was one of his scholars, and very nearly as good a dancer as her teacher. It is not in imitative childhood to admire any thing as I did the minuet, without learning immediately to dance it; and, of course, being a mere child, I soon became a subject of admiration myself as a minuet dancer. I remember that at the wedding of the eldest daughter of that John Martin, whom I have mentioned, my sister put a cocked-hat on my head, and took me *out to* exhibit me and herself in the French minuet — the graceful management of the hat, putting it on and off, being an essential part of the dance. The old schoolmaster, Mr. Crown, was present, and being much dissatisfied with the admiration lavished on the French dance (solely because it was *French*), he took out a lady to show how much superior the old English minuet was. That was danced in the figure 8, and, like the French, by a gentleman and lady only. In passing each other in the centre of the figure, there was a moment when the gentleman and his partner were back to back. The minuet time and step being very slow, this uncourtly relation was continued until the parties arrived at the ends of the figure and faced about.

"Mr. Crown considered it the quintessence of politeness to abbreviate this period, by setting off in full run to gain the upper end and

present his face. The old gentleman's dress — his sharp cock-and-pinch, his long-waisted blue coat, his red waistcoat, very long, and his very short breeches — gave him an air so grotesque, whilst executing this run to the extreme end of the room, as to produce an explosion of laughter. Such — as Camden says on a somewhat different occasion — was the plain and jolly mirth of our ancestors!"

Here follows a ghost story —

"There was another incident to which this wedding gave rise. A dance was given, on a subsequent night, to the wedding party, at our house. When the company had danced themselves weary, Tattison proposed to close the evening by raising a ghost. The matrons objected to it, as a light and impious trifling with solemn subjects; but Tattison assured them, with equal gravity, that he had the power of raising any ghost they would call for, and that he could give them conclusive proof of it: that if any one would go up stairs and consent to be locked up in the room farthest removed from the company below, the stair door should also be locked, so that no possible communication could be held between the person above and those below. After this the company might fix on a ghost whom he, the operator, would cause to appear to the person up stairs. The graver part of the company still discouraged the experiment; but the curiosity of the younger and more numerous prevailed, and nothing was wanting but a sitter up stairs to enable the Frenchman to give proof of his skill in the black art. After some hesitation amongst all, a Mr. Brice of Alexandria agreed to be closeted. He was accordingly taken up stairs. The door of the room into which he was introduced was locked, and after that the door of the stair below, which opened from the stairs upon the dancing-room. Tattison then asked for a shovel of live coals, some salt, brimstone, and a case-knife. Whilst these things were getting, he proposed that the women should, in a whispering consultation, agree upon the ghost to be raised, and report it secretly to him. This was done; and the ghost agreed upon was to be that of John Francis, a little, superannuated shoemaker, who had died some few years before — in his latter days a ludicrous person, whose few remaining locks were snowy white, with a nose as red as Bardolph's, and eyes of rheum — and who was accustomed to sing, *with a paralytic shake* of the head and tremulous voice,—

'What did we come here for? what did we come here for?
We came here to prittle prattle,
And to make the glasses rattle;
And that's what we came here for.'

"The habit of drinking was so inveterate upon him that he had not been able to walk for some years before his death, except with the help of another, and then with but a tottering step. The annunciation of his name was answered by a half-suppressed laugh around the room. The difficulty of the Frenchman's task was supposed to be not a little increased by attempting to make John Francis's ghost walk alone. He, however, nothing daunted, began his incantations, which consisted of sprinkling salt and brimstone on the coals, muttering over them a charm in some sort of gibberish, and knocking solemnly on the stair door with the butt of his case-knife. These strokes on the door were as regular as the tolling of a bell, each series closing with a double knock; then came a pause, another series of knocks closed by another double stroke, and so on to the end of the ceremony.

"The process was long and solemn, and there was something in the business itself and in the sympathy with the imagined terrors of the witness above, which soon hushed the whole assembly into a nervous stillness akin to that of young children listening to a ghost story at midnight. In about half an hour the ceremony was closed, in a shower of blows and the agitated cries of the Frenchman. Brice was heard to fall on the floor above. The Frenchman rushed up stairs at the head of several of the company; and there our sitter was found on the floor in a swoon. He was brought to with the aid of cold water, and on reviving said he had seen a man enter the room with a coal of fire on his nose, and on his forehead written in fire the name of John Francis. — It was agreed, on all hands, to be very strange; and many shook their heads significantly at Tattison, intimating that he knew more than he ought, and that it was not very clear he was fit company for Christian people. No one was disposed to renew the dance, and the party broke up. The Frenchman, with his characteristic politeness, flew to the door to help the ladies down the steps, when he saw, standing outside of the door, close at hand, a gigantic phantom arrayed in white and arms stretched wide, as if to receive him. *He shrieked, leaped from the steps* and disappeared."

This was plot and counterplot.—Next comes that wonder of childhood, the Wire Dancer, with his balancings and other accomplishments.

"About the same period when Tattison was figuring in our village, we had another exhibition still better fitted to gratify my love of the picturesque, and awaken whatever of fancy belonged to me. This was Mr. Templeman, a dancer on the slackwire. The exhibition was in Tattison's dancing-room. We got there at early candle-light. The room was brilliantly lighted. A large wire fastened at each end of the room, near the ceiling, hung in a curve, the middle of it within twelve or fifteen inches of the floor. I remember the pouring in of the company till the room was filled, as the phrase is, 'with all the beauty and fashion of the place.' Still better do I remember, after a note of preparation from another room, which bespoke and commanded silence, the entrée of Templeman — a tall man, superbly attired in a fanciful dress; of a military air, with a drum hung over his shoulder by a scarlet scarf. It was such a picture as I had never seen. Saluting the company with dignity, he placed himself upon the wire; then giving a hand to his attendant, he was drawn to one side of the room, and, being let go, swung at ease,—beating the drum like a professional performer. He performed all the usual exploits, balancing hoops, swords, &c.,—and, to crown the whole, danced what I had never seen before, a hornpipe, in superior style;—his spangled shoes, in the rapidity of his steps, producing upon me a most brilliant effect. My own imitative propensity came again into play, and I became a celebrated hornpipe-dancer before I was six years of age;—meaning by *celebrated*, such celebrity as spread through about one-third of our little village. The image of Templeman arose before me as something of another age, or another sphere when, about forty years after I had seen him swinging in such splendour on the wire, I met in Washington a well-dressed gentleman-like person, somewhat corpulent, who was made known to me as the paragon of my childish admiration, converted into a plain citizen, and an extensive dealer in city lots."

We have now some pictures of the Revolutionary war.

"Before I left Bladensburg to reside in it no more, which happened *in my seventh* year, another event occurred which rests vividly

upon my recollection. This was the passage of Lee's Legion through the village. I presume this occurred when Lee was detached from the north to support General Greene in the south. I remember the long line of cavalry in the street, the large beautiful horses and fine-looking men in uniform, and a particular individual who was pointed out to me as a relation to my family. His hair was loose, long, black and frizzled, and flowed over his broad shoulders, sweeping down to his saddle. General Lee, whom I knew well in after-times, has repeatedly mentioned this individual to me as an officer (a subaltern, perhaps) of great merit; which fixes the fact that the cavalry I saw was of Lee's Legion. It extended along the street until the head of the column had turned the corner at the lower, the southern, extremity of the village, before the rear came in view:—a spectacle well calculated to fill the imagination, and stamp itself deeply on the memory of a boy of my age.

"It must have been at the same time that a body of infantry of the Continental army, was in Bladensburg,—perhaps, also, a part of Lee's Legion. There was among them a doctor whose name, it strikes me, I have heard mentioned as a surgeon in Lee's corps. The only thing, in the way of rebuke, I recollect to have ever received from my dear mother, was occasioned by an incident connected with these troops. The continual musters of militia in Bladensburg, with the drum and fife, had made me a drummer from a period so early that I have no recollection of its commencement. My ear was naturally good, and I was a singer for the amusement of company from the time that I could speak, and perhaps sooner. The accuracy of my ear and my imitative propensity kept me drumming on the tables and on the floors and singing the common marches of the time, with such directness and dexterity that it attracted the attention of others. An old gentleman whose name I cannot now recall, drew out of his bosom one day, a pair of small drumsticks, which he had had made for me and painted blue, and gave them to me as a present. I had no drum, but with these sticks I pursued my drumming exercise with such effect that I could soon beat time as accurately as any drummer in the army. This was the state of my proficiency when the troops aforesaid marched through Bladensburg. Pushing and peering about them, I found myself, *one day, at the baker's* in a room where the soldiers were

drinking, and where there were drums and fifes in plenty. The baker was a merry-hearted man, and, upon seeing me, had a drum and fife paraded, and the drumsticks put into my hands. I set to beating, with the accompaniment of the fife too. It was my first exhibition. I performed with so much animation and success that the soldiers were astounded. The drum-head was soon covered with as many pieces of silver coin and pennies as filled both my hands. It was on occasion of my carrying these home in triumph, that my honoured and beloved mother gave me a rebuke against taking money presents, which fashioned my character in that particular for life."

"In 1779, I was sent to Georgetown, eight miles from Bladensburg, to school — a classical academy kept by Mr. Rogers. I was placed at boarding with the family of Mr. Schoolfield, a quaker. They occupied a small house of hewn logs at the eastern end of Bridge street. Friend Schoolfield was a well-set, square-built, honest-faced and honest-hearted quaker:—his wife one of the best of creation. A deep sadness fell upon me, when I was left by the person who accompanied me to Georgetown. When I could no longer see a face that I knew, nor an object that was not strange, I remember the sense of total desertion and forlornness that seized upon my heart—unlike any thing I felt in after years. I sobbed as if my heart would break for hours together, and was utterly inconsolable notwithstanding the maternal tenderness with which good Mrs. Schoolfield tried to comfort me. Almost half a century has rolled over the incident, yet full well do I recollect with what gentle affection and touching sympathy she urged every topic that was calculated to console a child of my years. After quieting me in some measure by her caresses, she took down her Bible and read to me the story of Joseph and his brethren. It is probable I had read it before, as such things are usually read,— without understanding it. But she made me comprehend it; and in the distresses of Joseph and his father I forgot my own. His separation from his family had brought him to great honour, and possibly mine, I thought, might be equally fortunate. I claim some sense of gratitude. I never forget an act of kindness, and never received one that my heart has not impelled me to wish for some occasion to return it. So far as my experience goes, I am persuaded, too, that doing an *act of kindness and, still more, repeated* acts to the same individual,

are as apt to attach the heart of the benefactor to the object, as that of the beneficiary to the person who does him the service. It was so in this instance. I went to see Mrs. Schoolfield after I became a man, and a warmer meeting has seldom taken place between mother and son

"I passed one winter in Georgetown, and remember seeing a long line of wagons cross the river on the ice. I conjecture that it was the winter of 1779–80, and that these wagons were attached to the troops already mentioned, which were going to the south. I remember also to have seen a gentleman, Mr. Peter, I think, going out gunning for canvass-backs—then called white-backs—which I have seen in those days whitening the Potomac, and which when they rose as they sometimes did for half a mile or a mile together, produced a sound like thunder. I mention this—being struck with the different state of this game now on the Potomac."

This school of Mr. Rogers left no pleasant impression on the mind of the pupil. He remained there less than one year, changed his boarding-house, and, getting from under the eye of good Mrs. Schoolfield and her household, fell into associations with others not so kind. Richard Brent, Esq., a gentleman once distinguished in the House of Representatives, but long since dead, was a fellow-student at Georgetown school.

The recollections now carry us to another quarter.

"From Georgetown I was transferred to a classical school in Charles county, Maryland, about forty miles from Bladensburg. This school was kept by one Hatch Dent, in the vestry-house of Newport Church. I was boarded with a widow lady by the name of Love, and my residence in her family forms one of the few sunny spots in the retrospect of my childhood. Mrs. Love was a small, thin old lady, a good deal bent by age, yet brisk and active. The family was composed of her and three maiden daughters, of whom the eldest, I suppose, was verging on forty, and the youngest, perhaps, twenty-eight. She had a son married and settled in the neighbourhood. The eldest daughter was named Nancy, a round, plump and jolly old maid, who was the weaver of the family, and used to take a great deal of snuff. The second was Sally. She presided over the dairy, which was always neat and *sweet, and abundantly supplied* with the richest cream and

butter. Sally was somewhere about thirty, short, rosy and brisk, with a countenance marked by health and good-humour, and with one of the kindest hearts that beat in the bosom of her kind sex. She was fond of me, banqueted me on milk and cream to my heart's content, admired my songs, and sang herself. From her I first heard Roslin Castle. Her clear and loud voice could make the neighbourhood vocal with its notes of touching plaint. From her, too, I first heard the name of Clarissa Harlowe, and she gave me, in her manner, a skeleton of the story. Peggy, the youngest, was pale and delicate, with more softness of manners than the others. She was the knitter and seamstress of the household; of very sweet disposition, with a weak and slender, but kindly voice. She did not sing herself, but was very fond of hearing us who did. There were two boys of us near the same age. Johnson Carnes was rather older and larger than me. He was a good, diffident, rather grave boy, with better common sense than I had. But he did not sing, was rather homely, and had no mirth and frolic in him. I, on the contrary, was pert, lively and saucy, and they used to say *pretty* withal—said smart things sometimes, and sang two or three songs of humour very well. One was Dick of Danting Dane, in which the verse about 'my father's black sow' was a jest that never grew stale, nor failed to raise a hearty laugh. Another was a description of a race at New Market between two horses called Sloven and Thunderbolt. Sloven belonged to some Duke — perhaps the Duke of Bolton. The verse ran, as I remember—

> 'When Sloven saw the Duke his master,
> He laid back his ears and did run much faster.'

"Besides my singing, I danced to the astonishment of the natives, and, altogether, had the reputation of a genius. Thus admired, flattered and feasted with milk and cream, Roslin Castle and Clarissa Harlowe, &c., what more could a child of my age want to make him happy! The very negroes used to be pleased to contribute to my amusement. Old Moll carried me to the cowpen, where she permitted me, with a clean, broad splinter, prepared for the purpose, to whip the rich froth from the milk-pail; and her son George, after a hard day's work in the field, came home at night and played the horse for me, by going on all fours, in the green yard, with me mounted

upon his back,—he going through the feats of an imaginary fox-hunt, sounding the horn and leaping over imaginary fences, gates, &c.—all of which was life and joy to me. To crown all, I had a sweetheart; one of the prettiest cherubs that ever was born. The only thing I ever thanked Nancy Love for, was giving me the occasion of becoming acquainted with this beautiful girl. She took me with her once on a visit to her aunt Reeder. Mr. Thomas Reeder lived on the banks of the Potomac, just above Laidlowe's, and opposite to Hooe's Ferry. In those days, there was a ferry from Reeder's to Hooe's. The house was of brick, situated on a high, airy bank, giving a beautiful view of the Potomac, which is there four miles wide. Peggy Reeder was the only child of her parents,—about my own age, rather younger, and as beautiful as it is possible for a child to be. We fell most exceedingly in love with each other. She was accustomed to make long visits to her aunt Love, and no two lovers, however romantic, were ever more happy than we. On my part, it was a serious passion. No lover was ever more disconsolate in the absence of his mistress, nor more enraptured at meeting her. I do not know whether it is held that the affections keep pace with the intellect in their development; but I do know that there is nothing in the sentiment of happy love, which I did not experience for that girl, in the course of the two years when I resided at Mrs. Love's. When I left there, we were firmly engaged to be married at the following Easter. I felt proud and happy, not in the least doubting the fulfilment of the engagement at the time appointed." * * *

"As for school, Mr. Dent was a most excellent man, a sincere and pious Christian, and, I presume, a good teacher—for I was too young to judge, and, in fact, much too young for a Latin school. In the two years, Johnson Carnes and myself got as far advanced as Cæsar's Commentaries—though we could not have been well grounded, for when I changed to another school, I was put back to Cornelius Nepos. Mr. Dent was very good tempered. I do not remember to have received from him a harsh word or any kind of punishment but once. His school was crowded. I can recall none of the scholars who attained much distinction, except one who was with us but a short time—Alexander Campbell, who afterwards became celebrated as an orator in Virginia, and still more painfully celebrated for his

melancholy end. According to my recollection of him, when he came to Mr. Dent's, he was between eighteen and twenty years old. He had just taken a prize for eloquence at the school in Georgetown. In deportment, he was manly and dignified;—rather grave and thoughtful, though sometimes relaxing a little. I remember his puzzling me with *forte dux fel flat in gutture.* I recall, too, that perpetually tremulous and dancing eye-ball, by which, in common with others of his family, he was so strikingly marked.

"I never saw him after he left Mr. Dent's; but he was still figuring at the bar after I grew up, and went to commence the practice in the upper part of Virginia. I suppose he came to the bar several years after Chief Justice Marshall and Judge Washington, who must themselves have begun to practise after the Revolutionary war. Edmund Randolph qualified just before the Revolution, or, perhaps, at the point of its commencement; Patrick Henry about fifteen years earlier. Yet all these gentlemen were still at the bar when Mr. Campbell began his career. He appeared with them frequently in the same causes; and it is high praise, but no less just than high, to say, that even among them he was a distinguished man. He stood confessedly in the first rank of genius. In logic, he did not wield the Herculean club of Marshall; nor did he, in rhetoric, exhibit the gothic magnificence of Henry,—but his quiver was filled with polished arrows of the finest point, and were launched with Apollonian skill and grace. Some of the most beautiful touches of eloquence I have ever heard, were echoes from Campbell which reached us in the mountains. His arguments were much extolled for their learning and strength, as well as beauty. I have heard it said that Mr. Pendleton, the President of the Court of Appeals, spoke of Campbell's argument in the case of Roy and Garnett, reported by Mr. Washington, as the most perfect model of forensic discussion he had ever heard.—

"Poor fellow!—— * * * *

"He left a whimsical will, which I have seen, and in which was a request that no stone might be placed over his grave, for the reason that if a stone were placed over every grave, there would be no earth left for agriculture."

Leaving this digression, we go back to Mrs. Love's.

"I lived there, I think, until the year 1782, as perfectly happy as a child could be who was separated from his mother and the other natural objects of his affections. From the time I rose until I went to bed, the live-long day, it was all enjoyment, save only with two drawbacks—the going to school, and the getting tasks on holidays,—which last, by the by, is a practical cruelty that ought to be abolished. I never knew good to come of it, but much harm; for it starts across the child's path, like a goblin, throughout the holidays. The task is deferred until the last moment, then, either slubbered over any how or omitted altogether, and a thousand falsehoods invented to evade or excuse it. But these holiday tasks were the order of the day in my youth, and haunted me until the holidays no longer deserved the name. With the exception of these same tasks and a slight repugnance to daily school, Mrs. Love's was an elysium to me. It was a very quiet life, without the amusing incidents of Bladensburg and Georgetown. The only picturesque occurrence of which I have any recollection was the passage of a party of fox-hunters, with their dogs and horses, one day, by our dwelling-house. The public road to Allen's Fresh ran close by the gate, where I was standing alone, when this animated and noisy party dashed along. It was such an obstreperous invasion of the stillness of the country, and so entirely novel a spectacle to me, that I drew back from the gate and walked towards the house to get out of the way of the mischief of which they seemed full. One of the riders, observing my movement, put spurs to his horse and leaped the fence by the side of the gate, as if to frighten and pursue me; but I was rather too proud to run, and he returned to his party the way he came."

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"There was a barbacue at the Cool Springs, near Johnson Carnes' father's, to celebrate the return of peace. This was an idea, I well remember, which puzzled me exceedingly. Having known no other things but a state of war, I had no suspicion that there was any thing unnatural or uncommon in it. I must have heard continually of the battles that were fought, but I have not the slightest vestige on my memory of any such thing;—which can only proceed from the circumstance that battles, defeats and victories must have appeared to me as ordinary occurrences. I was exceedingly perplexed, therefore,

to understand the event which this barbacue celebrated. I had no distinct idea of the meaning of war and peace; and, after the explanation that was given to me, had still but vague and confused impressions of the subject. I presume that the event in question was the signature of the preliminary articles in 1781, when I was only nine years old. If I had been at any time nearer to the immediate seat of the war, the terrors of those around me might have startled me into a clearer perception of its character, and have prepared me the better to understand and enjoy the return of peace. As it was, I had never heard of it but at a distance and with composure, and had seen nothing of war but its 'pride, pomp and circumstance,' to which a boy at my age had no objection."

"I became sensible of the power of forming and pursuing at pleasure, a day-dream from which I derived great enjoyment, and to which I found myself often recurring. There was nothing in the scenery around me to awaken such vagaries. It was tame, gentle and peaceful. The house stood on a flat about half a mile wide and one mile long. On the east, the view was shut in by a hill of moderate height, which stretched along the whole length of the plain—gently undulating, verdant and adorned with a growth of noble walnut trees which were scattered over its sides and summit. This hill was the only handsome object in view. On every other side the plain was locked in by swamps or woods; so that there was neither incentive nor fuel for poetic dreams. Mine were the amusements of the dull morning walks from Mrs. Love's to the schoolhouse. It was a walk of about two miles, and my companion rather disposed to silence. I remember very distinctly the subject of one of these vagaries, from the circumstance of my having recalled, renewed and varied it again and again from the pleasure it afforded me. I imagined myself the owner of a beautiful black horse, fleet as the winds. My pleasure consisted in imagining the admiration of the immense throngs on the race-field, brought there chiefly to witness the exploits of my prodigy of a horse. I could see them following and admiring him as he walked along the course, and could hear their bursts of applause as he shot by, first one competitor, and then another, in the race. The vision was vivid as life, and I felt all the glow of triumph that a real victory could have given."

These imaginings were characteristic of the boy, and seem to have typified the peculiar nature of his aspirations in the more mature period of his manhood.

Here is a remembrance of a notable personage of the Revolution.—

"I must not forget a rencontre which I had with a very distinguished man at this period. It had happened that, on some former occasion, I had attracted the attention of Col. Lee, of the Legion already mentioned, as he passed through Bladensburg. A volume of Blackstone chanced to be lying on the table, near which he was sitting; and, showing me the title on the back of the volume, he asked me what I called it. I pronounced the word 'Commentaries' with the accent on the second syllable, and he corrected my *cachilology*, as Lord Duberly calls it. Upon the foundation of this slight acquaintance, I was recognized by this gentleman at Mr. Reeder's, where I had gone on a visit with one of the Miss Loves, and whither Col. Lee had come to cross the ferry, with his first wife, then, as I was told, newly married. He seemed quite pleased to meet me, took great notice of me, and, finally, insisted on my crossing the river with him to Hooe's, where he promised to give me some fine cherries. They who had care of me seemed to consider me and themselves much honoured by this notice of Col. Lee, and readily consented to his proposal. So, I was placed alongside of him in the boat, while his young wife, for the greater part, if not the whole of the passage, stood upon one of the benches, facing the breeze, which wantoned freely with her robes. She had a fine figure, and her attitude, as the boat rose and sank on the waves, was so strikingly picturesque as to remain strongly on my memory. The river is at this place four miles wide, and the beach and the opposite side is, at some states of the tide, so shallow that a boat cannot get quite to the shore, in which case passengers have to be borne to dry land in the arms of the ferryman. This was the case on the present occasion. Col. Lee and his wife were taken to the shore, where they, their servants, ferrymen and all moved off to the house at Hooe's, leaving me sitting alone in the boat to chew the cud of disappointment and neglect as well as I could. I was entirely forgotten:—but I did not forget this slight, in the reflections which, even then and often afterwards, the incident provoked.

After sitting alone in the boat for near an hour, unthought of by the person who had betrayed me into that situation, I was at last relieved by the ferrymen, who returning at their leisure, without either cherries or apology from Col. Lee, took me safe back to the more friendly bosoms I had left on the other shore."

"In 1783, I was removed from the grammar school of Mr. Dent in Charles county, to that of the Rev. James Hunt, the Presbyterian minister in Montgomery county, whom I have already mentioned. I was put to board with Major Samuel Wade Magruder, a substantial planter, who lived about two miles from Mr. Hunt's. The Magruders, at that time, formed a numerous family in that county. The original name, I have heard, was McGregor of Scotland, and the ancestors are said to have sought a refuge in this country, after the defeat at Culloden. The Major showed marks of Highland extraction. He was large, robust and somewhat corpulent, with a round florid face, short, curling, sandy hair, and blue-gray eyes. He was strong of limb, fiery in temperament, hospitable, warm-hearted and rough. He was a magistrate and *ex-officio* a conservator of the peace, which, however, he was as ready, on provocation, to break as to preserve. At times he was kind and playful with the boys; but wo betide the unfortunate boy or man who became the object of his displeasure!

"Mrs. Magruder was the sister of Col. Thomas Beall of Georgetown, and daughter, as I have understood, of the gentleman after whom Georgetown took its name—George Beall of that place. She was a small, spare old lady who had been handsome. Her countenance was strongly expressive of her gentle disposition. The contrast with her husband was very striking. She was quiet and generally silent. I do not remember having heard her speak a dozen times in the two years I lived in the family, and have forgotten the note of her voice. But the Major's I remember as the loud north wind that used to rock the house and sweep the snow-covered field. They had a large family — seven sons and four daughters. The grown sons were numerous and loud enough to keep the house alive, being somewhat of the Osbaldiston order, except that there was not a Rashleigh among them;—nor was there a Di Vernon among the girls.

"Besides the parents and children, there were divers incumbents

who drew their rations in the Major's house. There was, for a short time, a Col. Hamilton, who used to wear leather clothes,—coat and waistcoat included, — a thin, keen, active man, a little above middle age, who, I was told, had been a *Regulator* in North Carolina, — though I was then ignorant what the word meant, — and that he was rather in concealment and under the Major's protection.

"Then there was an interesting old gentleman, by name Thomas Flint, who had been an English schoolmaster, and had educated all the family except George and Patrick, who were destined for a classical education and a learned profession. Mr. Flint was upwards of fifty, "in fair round belly with good capon lined"—a good-looking man with a dark complexion, sharp, black eyes and shaggy brows. He had a son who was Major Magruder's overseer.

"Besides these, there were two apprentices:—one of them, Zack, a wild, slovenly, blackguard boy, cut out by nature for a strolling player, having a strong inclination to repeat fragments of speeches and scraps of plays which he had learned from the boys of the school; —the other was Harry, the son of the miller who was in the Major's employment, a modest and interesting young man, who disappeared in a mysterious way, the particulars of which I have forgotten.

"The mansion was a large two-storied brick house, built not long before I went there. In this his family proper lived. Within a few feet of it stood the old house, which had been the former residence of the family, but which was now occupied, at one end, by the overseer, and in the residue of its chambers by the school-boys and the two apprentices. Here, at night, we got our lessons and more frequently played our pranks.

"There were two boarders, besides myself: Walter Jones, son of Mr. Edward Jones, a rich planter of Frederick county, and Richard Harwood from Anne Arundel,—in after-times one of the Judges of a District in the State. For a short time the late Col. Thomas Davis of Montgomery, was one of our boarders and schoolfellows.—So that Major Magruder's household embraced not less than twenty white persons. To these there was a constant addition, by visiters to the young people of the family. It was, in fact, an active, bustling, merry, noisy family, always in motion, and often in commotion. To me it was painfully contrasted with the small, quiet, affectionate

establishment of Mrs. Love. There I had been the petted child and supreme object of attention. Here I was lost in the multitude, unnoticed, unthought of, and left to make my way and take care of myself as well as I could. My hair, which, under the discipline of Mrs. Love's daughters, was as clean and soft as silk, now lost its beauty. I had been spoiled by indulgence, and was really unfit to take care of myself. I did not know how to go about it. Yet there was no one to take care of me, or who showed any interest in me except Harry, the miller's son. Young as I was, I had reflection enough to compare the two scenes in which I had lived, to feel my present desolation, and to sigh over the past. The tune of Roslin Castle never recurred to my memory without filling my eyes with tears.

"There was another circumstance which embittered my residence at Mr. Magruder's. One of my companions was ill-tempered, and I do not know by what antipathy, I became the peculiar object of his tyranny. There was that in my situation which would have disarmed a generous temper. I was a small, feebly-grown, delicate boy; an orphan, and a poor one too: but these circumstances seemed rather to invite than to allay the hostility of this fierce young man. During the two years that it was my misfortune to be a boarder in the house and his schoolfellow, I suffered a wanton barbarity that so degraded and cowed my spirit that I wonder I have ever recovered from it. In this large family he was, however, my only persecutor. The rest were content to let me alone, and I became, at length, well content to be so. I can recall here the first experience I had of the refuge and comfort of solitude. Often have I gone to bed long before I was sleepy, and long before any other member of the household, that I might enjoy in silence and to myself the hopes which my imagination never failed to set before me. These imaginings rest on my memory with the distinctness of yesterday. I looked forward to the time when I should be a young man and should have my own office of two rooms, my own servant and the means of receiving and entertaining my friends with elegant liberality, my horse and fine equipments, a rich wardrobe, and these all recommended by such manners and accomplishments as should again restore me to such favour and affectionate intercourse as I had known at Mrs. Love's. I never

dreamt of any other revenge on my tormenting schoolfellow, than to eclipse him and reduce him to sue to me for friendship. Except these waking dreams which live so vividly in my remembrance, there are but few pleasant incidents to connect my recollections with those two years. Yet there are a few. One was the gratification I took in the visits of company to the house. Sometimes the young folks played cards, and I was not forbidden to sit in the room and see what was going on. One of these visiters is a gentleman, I believe, now living—Charles Jones. Although a very small boy, I recollect distinctly the drollery for which he is, even yet, so much distinguished, and with which he used then to set the tables in a roar. Maxwell Armstrong, our Latin usher,—and the only popular usher I have ever known—was another of the visiters, and a great favourite with me.

"There were two other visiters whom I saw only once each at the Major's, but whose visits led to one of my small accomplishments. Doctor Charles Beatty of Georgetown, brought up his flute and regaled the ladies one evening in the garden with his music. A Mr. Eckland, a Hessian or Prussian, a teacher of music in Georgetown, also came up on one occasion, when there was a great effort to get a musical instrument for him to play on. The house afforded nothing better than a wretched fiddle,—on which Major M. used to play, for his children, the only tune he knew, with these words—

'Three or four sheepskins
Wrong sides outwards;
Cut them down, cut them down,
Cut them down and tan them.'

"There was, besides, a cracked flute, from which no one of the family had ever been able to draw a note. Mr. Eckland repudiated the fiddle, but, with the aid of a little bees-wax to stop the crack, and a little water to wash and wet the bore, he made the flute discourse most eloquent music.—What a strange thing is memory! I can see the man at this moment, and hear him strike up 'the White Cockade'—for this was the first tune he played; and he threw it off with a spirit and animation of which Dr. Beatty had given me no idea. Thereafter, whenever the room was empty, I used to steal to the book-press in which that old flute was kept, and whispering in the aperture

—for I could not blow, and *dared* not, if I could—try to finger such tunes as I knew. In this way I learned to play several tunes, of which Yankee Doodle was the chief, before I could fill the flute with a single note.

"On one occasion, Dr. Smith, of Georgetown — the father of the very respectable family of that name now at that place, came up to Major M's. with two or three other gentlemen, bringing with him a large pack of hounds, in preparation for a fox-chase. This was a new incident to me, and full of the liveliest interest. On this occasion old Mr. Flint developed an accomplishment of which I had never suspected him. Having got pretty 'high up' with drinking, he sang a hunting song, and one of the old songs of Robin Hood, of which my children have often heard me sing several verses, caught from Mr. Flint's exhibition at this frolic. His picture is now before me—for he acted as well as sang, and repeated his verses as long as any one would listen. I slept but little the night before the hunt, and before day-break I was waked from my slumbers, by the turning of the hounds out of the cellar, and the uproar raised in the yard by them and the horns. I dressed myself quickly, and sighed, as the party moved off, because I could not follow them. On my way to school that morning, with what longing regret did I listen to the distant notes of the hounds in full cry upon their track, until the last sound was lost behind the remote woodland! To those who have not an ear for sounds, nor an eye for pictures, it would be incredible if I were to describe the effect which this scene had upon my imagination; and to this day I know nothing, in the way of spectacle or music, to compare, for its power of excitement, with a well-equipped and gay party of hunters, following a pack of hounds in full cry."

Here ends all that we are able to obtain from these simple and pleasant recollections. The writer broke them off abruptly at this early stage of his history, purposing to resume them when the graver duties of his high office might allow him again the refreshment of these draughts of youthful memory. His busy professional life forbade this indulgence, and has left us reason to regret that the same hand has not sketched his continued advance to manhood.

CHAPTER II

1783—1787.

IMAGINATIVE TEMPERAMENT. — HIS STUDIES. — WHOLESOME INFLUENCE OF MR. HUNT.—HIS LIBRARY.—SKETCHES BY CRUSE. —VERSE-MAKING.—FIRST LITERARY EFFORT, A PROSE SATIRE ON THE USHER.—ITS CONSEQUENCES.—A SCHOOL INCIDENT.—A VICTORY.—VISIT TO THE COURT-HOUSE OF MONTGOMERY.—MR. DORSEY.—THE MOOT COURT.—ITS CONSTITUTION.—SCHOOL EXERCISES.

THE memoir which we have just closed presents us nearly all that is known of William Wirt up to his eleventh year. It sufficiently indicates the temperament of the boy, and gives us no slight glimpses of the future aspirations of the man. The lively pictures which it presents of those scenes and persons which dwelt on his memory, show how keenly his youthful observation was impressed by the quaint and grotesque images which surrounded him. They show, too, with what a relish he noted the simple rural objects and employments that were familiar to his childhood, and how true an eye and how true a heart he had for the kindly things and influences that fell in the way of his youthful experience. These qualities of mind and character continued to expand during his life, and were the constant source of that attraction which encircled him, to the last of his days, with troops of admiring friends.

We shall have occasion to note, more than once in the course of these pages, the poetical complexion of Mr. Wirt's mind, the somewhat prurient predominance of his imagination, and the alacrity with which he was ever ready to digress from the actual to the ideal of life. The almost inseparable quality of such a temperament is diffidence, that shy reserve which is much more frequently the result of pride and a high self-estimate than of humility. A sensibility to the criticism which our perception enables us to foresee and expect, from

those who are capable of a shrewd insight into our conduct, is most generally the source of that modesty which is observable in an ingenuous and quick-sighted boy. Its usual accompaniment is an exterior of thoughtfulness and quiet observation in the presence of the world, united with a gay, light-hearted ease amongst those in whom household association and familiar endearment have begotten that confidence which takes away the apprehension of censure. The observant eye of his aunt, with whom the orphan child had been domesticated in his tenderest age, detected this trait in his character, in the first years of their intercourse; and, noticing these alternatives of a playful and thoughtful temper, she once remarked, when his uncle was debating with her the question of his education — "when I look at that dear child, he scarcely seems one of us, and I weep when I think of him." Such an expression would seem to indicate some early presage, afforded by the boy, of that superiority which his riper years developed.

Wirt remained at Mr. Hunt's school, in Montgomery county, until it was broken up in 1787. During the last two years of this period he was an inmate of Mr. Hunt's family. We shall often find, in the course of his correspondence, a pleasant remembrance of this family and its dwelling-place, which bore the classical name of the Tusculum.

Mr. Hunt seems to have exercised a happy influence over the character of his pupil. He was a man of cultivated mind, liberal study and philosophic temper. He possessed, what in those days was no common advantage, a pretty good library. He had, besides, a pair of globes and some instruments of a philosophical apparatus. He was communicative, and quick to appreciate the tastes of his scholars, and, from all accounts, kindly and indulgent in his intercourse with them.

Young Wirt found in this association much to advance him on his way. He acquired some little insight into astronomy, some taste for physics, some relish for classical study, but above all, some sharpness of appetite for the amusements afforded by "the run of the *library*." He studied Josephus, Guy of Warwick and Peregrine Pickle, the old dramas, Pope, Addison and Horne's Elements of Criticism, with equal avidity and with indiscriminate faith. The library cheated him out of many a worse recreation, and whilst it captivated his boyish ima-

gination with its world of treasures, it served also to implant in his mind that love of various lore, which seeks its enjoyment among the flowers that enamel the broad fields of literature, rather than among the gems which lie in the depths only accessible to the miner.

It is sometimes regarded as the misfortune of sprightly and apprehensive genius, that it is apt to be lured from its graver and more profitable toil by the attractions of this vagrant course of reading. If this be true in any instance, it cannot be denied that many men, who have won distinction by their intellectual accomplishments, have been able to trace their first impulses towards an honourable renown, to the opportunities afforded by a miscellaneous library, and to the tastes which it has enabled them to improve. Mr. Wirt, in after life, was accustomed to speak in terms of regret of the habit of immethodical reading which, acquired in early youth, had, as he supposed, somewhat injuriously diverted his time from systematic study. He was, we are inclined to believe, mistaken in his estimate of this disadvantage. There seems to have been, in his case, quite a sufficient concentration of methodised study, in the pursuit of his own laborious profession, to justify and commend the habit of light and excursive reading in all other departments of science or literature. He has also afforded many agreeable manifestations, that the zealous and persevering lawyer had cultivated, with no small success, that general scholarship which is so seldom combined with professional excellence, and which constitutes, wherever it exists, the most graceful and attractive of its adjuncts. Genius generally finds its own path. Its first instinct is to wander over the surface of its own world, until it may light upon that which shall gratify its proper appetite. Its affinities prompt it to ramble in search of the congenial things nature has provided for it; and it seldom falls out that the errant spirit does not, in due time, come to its appointed destination. It may be said to have been Mr. Wirt's characteristic quality of mind, to perceive and keenly to relish the riches of that upper world of thought, which is pictured to us under the felicitous designation of humane letters. These, comprehending in their scope nearly everything that is graceful in æsthetics, everything that is beautiful in art, glowing in poetry, and eloquent in thought, present to the student a field of various observation, which can only be cultivated and enjoyed by the most apparently desultory

study. He, therefore, who has a true perception of the delights of such study, may scarcely fail to be accounted a capricious and rambling reader, whenever his pursuit shall come to be measured by the severer rules which the student of one science finds it necessary to observe in his own labour.

For many particulars relating to the earlier portion of Mr. Wirt's life, I am happy to express my obligations to a rapid but careful biographical sketch, which was written by Peter Hoffman Cruse of Baltimore, in 1832, under circumstances which give it great value as an authentic narrative, and which is not less worthy of commendation for its graceful and scholarlike style of composition. I should scarcely do justice to my subject, if I forbore to avail myself of the material presented to me from a source so friendly and, at the same time, so accurate. I shall not scruple to use it as often as I may find occasion.*

* The sketch referred to in the text was written by Mr. Cruse upon an engagement with the Messrs. Harpers of New York in 1832, just after Mr. Wirt's nomination as a candidate for the Presidency, and was designed to accompany a republication of Mr. Wirt's literary productions. This republication,—for reasons with which I am not acquainted—did not proceed beyond the reprint of the British Spy, to which the biographical sketch I have alluded to was prefixed. At the time of the nomination of Mr. Wirt for the Presidency, by a singular coincidence of circumstances a narrative of his life was in contemplation from one or two quarters totally disconnected from the political object which may be supposed to have made it then a matter of interest to the public. Mr. Longacre was engaged in his Work of National Portraits, and had applied to Mr. Wirt for some materials for a sketch of his history to accompany an engraved likeness for this work. The task of furnishing these had been committed to Judge Carr of the Court of Appeals of Virginia. Mr. Salmon P. Chase, a friend of Mr. Wirt's nomination, and, still more intimately, his personal friend, a gentleman accomplished in elegant letters,—recently brought more conspicuously to the view of the country as a Senator of the United States from Ohio—had also taken the matter of a biography into his hands. But the enterprise of the Messrs. Harpers being stimulated by a more direct reference to the nomination, took the place of all other biographical projects, and consigned the task to the very competent hands of Mr. Cruse.

Cruse was a finished scholar, of exquisite taste, and gifted with talents which would have secured him an enviable eminence in the literature of this country. He fell a victim to the cholera, in Baltimore, on the 6th of September, 1832, not long after the completion of the biography above mentioned. The country thus lost one whose accomplishment in letters was just beginning to bring him reputation, and whose career, if he had lived, would have been distinguished by the finest exhibitions of intellectual excellence. The materials for his sketch were derived from an intimate

Mr. Hunt's library suggested to our pupil some effort of rivalry with one of its heroes, in the dainty occupation of verse-making. He read how Pope had first tempted his muse at twelve years of age. He himself was now thirteen:—why shouldn't he versify as well? He tried his hand at it, and, very naturally, failed. He accordingly resolved that Nature had not made him a versifier. There was, however, the world of prose open to him, and forthwith he set out upon that quest. Amongst several essays, in this sort, one fell into Mr. Hunt's hands, and was most agreeably received, with abundance of praise. I must give the history of it as it comes from the friendly biographer.*

"It was engendered by a school incident, and was a piece of revenge more legitimate than schoolboy invention is apt to inflict when sharpened by wrongs, real or imaginary. There was an usher at the school; and this usher, who was more learned and methodical than even-tempered, was one morning delayed in the customary routine by the absence of his principal scholar, who was young Wirt himself. In his impatience he went often to the door, and espying some boys clinging, like a knot of bees, to a cherry-tree not far off, he concluded that the expected absentee was of the number, and nursed his wrath accordingly. The truth was that the servant of a neighbour, with whom Wirt was boarding at the time, had gone that morning to mill, and the indispensable breakfast had been delayed by his late return. This apology, however, was urged in vain on the usher, who charged, in corroboration, the plunder of the cherry-tree:

personal acquaintance with Mr. Wirt, whose just appreciation of him was shown in the most cordial and confidential social communion. The incidents of this biographical sketch were supplied by the friends of Mr. Wirt, by his family, and by the biographer's own personal knowledge of his subject. The sketch itself was submitted to Mr. Wirt, and so far corrected by him as to secure it against any inaccuracy of statement of fact. I may add, that my own constant intercourse with Mr. Cruse, during the preparation of that sketch, and a familiar acquaintance with the individual to whom it refers, enable me to give an additional assurance of its authenticity. I can only indulge, now, the unavailing regret that its author, so rich as he was in the arts of "wit, eloquence, and poesy," had not survived to unite with me in the grateful labour of this task, to render a joint tribute of our homage to the distinguished subject of our memoirs—partaking, as we both did, in equal degree, of the pleasure of his society and the kindness of his regard.

* Cruse's Sketch.

and though this was as stoutly as truly rejoined to be the act of an *English* school, hard by, the recitation of Master Wirt proceeded under very threatening prognostics of storm. The lesson was in Cicero, and at every hesitation of the reciter, the eloquent volume, brandished by the yet chafing tutor, descended within an inch of his head, — without quailing his facetiousness however, — for he said, archly, 'Take care, or you 'll kill me.' We have heard better-timed jests since, from the dexterous orator, for the next slip brought a blow in good earnest, which, being as forcible as if logic herself, with her 'closed fist,' had dealt it, felled our hero to the ground. 'I 'll pay you for this, if I live,' said the fallen champion, as he rose from the field.

"'Pay me,' will you?' said the usher, quite furious; 'you will never live to do that.'

"'Yes I will,' said the boy.

"Our youth was an author, be it remembered, and that is not a race to take an injury, much less an affront, calmly. The quill, too, was a fair weapon against an usher; and, by way of vent to his indignation at this and other continued outrages, but with no view to what so seriously fell out from it, in furtherance of his revenge, he indited, some time afterward, an ethical essay on Anger. In this, after due exhibition of its unhappy effects, which, it may be, would have enlightened Seneca, though he has himself professed to treat the same subject, he reviewed those relations and functions of life most exposed to the assaults of this fury. A parent with an undutiful son, said our moralist, must often be very angry, a master with his servant, an innkeeper with his guests;—but it is an usher that must the oftenest be vexed by this bad passion, and, right or wrong, find himself in a terrible rage. And so he went on in a manner very edifying and very descriptive of the case, character and manner of the expounder of Cicero.

"Well pleased with his work, our author found a most admiring reader in an elder boy, who, charmed with the mischief as much as the wit of the occasion, pronounced it a most excellent performance, and very fit for a Saturday morning's declamation. In vain did our wit object strenuously the dangers of this mode of publication. The essay was got by heart, and declaimed in the presence of the school

nd of the usher himself, who, enraged at the satire, demanded the riter, otherwise threatening the declaimer with the rod. His magnanimity was not proof against this, and he betrayed the *incognito* of ır author, who happened the same evening to be in his garret, when aster usher, the obnoxious satire in hand, came into the apartment elow to lay his complaint before his principal. Mr. Hunt's house as one of those one-story rustic mansions, yet to be seen in Maryand, where the floor of the attic, without the intervention of ceiling, rms the roof of the apartment below; so that the culprit could sily be the hearer, and even the partial spectator, of the inquisition eld on his case. 'Let us see this offensive libel,' said the preceptor; nd awful were the first silent moments of its perusal, which were roken, first, by a suppressed titter, and, finally, to the mighty relief f the listener, by a loud burst of laughter. 'Pooh! pooh! Mr. —— his is but the sally of a lively boy, and best say no more about it: esides that, *in foro conscientiæ*, we can hardly find him guilty of the ublication!'

"This was a victory; and when Mr. Hunt left the room, the conıeror, tempted to sing his '*Io Triumphe*' in some song allusive to ıe country of the discomfited party, who was a foreigner, was put to ight by the latter's rushing furiously into the attic, and snatching om under his pillow some hickories, the fasces of his office, and nflicting some smart strokes on the flying satirist, who did not stay, ke Voltaire, to write a receipt for them. The usher left the school in udgeon not long afterward, like the worthy in the doggrel rhymes—

> 'The hero who did 'sist upon 't,
> He would n't be deputy to Mr. Hunt.'

"Many years after, the usher and his scholar met again. Age and overty had overtaken the poor man, and his former pupil had the pportunity of showing him some kindnesses which were probably not ssened by the recollection of this unpremeditated revenge."

This was quite a prosperous entrance into the world of letters. he pleasant remembrance of this early triumph is one, amongst many vidences which I may have occasion to notice hereafter, of the earnest ppreciation with which the distinguished lawyer was wont to regard ıe pursuit of literary fame, which, as it seemed, an adverse destiny

had constantly placed beyond his enjoyment, though never, as the reader of these pages will find, beyond his hopes.

Mr. Hunt's discipline contributed to awaken the ambition of his pupil to another renown, not less conspicuous in his career. Letters were always the passion of William Wirt,—a passion foredoomed against enjoyment, the Tantalus cup of his life. The law was, in equal degree, his chosen field of eminence, pursued at all times with the eager love of a votary, and, more propitious to him than its rival, the bountiful source of fame and wealth. His first introduction to its temple was at this era of his boyhood. Mr. Hunt was in the habit of taking his pupils to the Montgomery County Court, in term time, to give them some insight into those mysteries which may be said to be, in this country, the ladder to all preferment, and which certainly at the date of this adventure, much more than at present, was the chief aid by which men climbed to eminence. The court-house was some four miles from the school. The whole troop, headed by the Domine, went on foot, and with due solemnity entered the rustic hall of justice, and took their seats in the unoccupied jury-box. Amongst the pleaders one of the youngest was William H. Dorsey, well known to the school and neighbourhood. He was clever, quick, and courageous in his encounters with the older brethren; so, he naturally became the favourite of the schoolhouse auditory, and grew to be a hero in their eyes. Boys have a great instinct for hero worship;—and worship with them is imitation. Dorsey was not much older than the oldest of those who sat to hear and applaud him. "Why should not we have a court of our own?" "Agreed."—So, forthwith we have a little temple of Themis in Mr. Hunt's school-room. Wirt was appointed to draw up the constitution. He was, manifestly, the Dorsey of the new forum. The constitution was prepared with all the necessary complications to meet the contingencies of its broad and delicate jurisdiction, and was reported, with a modest letter of apology for its imperfections, by the author.

This was his first forensic essay. There were occasional speech-makings in public at the school, and the practice also of "capping verses"—one of those ingenious devices by which off-hand orators are supplied with a motley of shreds and patches cut from classical cloths, and preserved as the staple for that impromptu wit and learn-

ng which, in the last age, was regarded as one of the chief ornaments f scholarship, — now, fortunately, somewhat jostled aside for wholeme Anglo-Saxon. In all these exercitations Wirt was a common ctor, and carried off whatsoever prise he had a mind to win.

CHAPTER III.

1787 — 1792.

FRIENDS. — PETER A. CARNES. — BENJAMIN EDWARDS. — NIMIAN EDWARDS. — BECOMES A TUTOR IN MR. EDWARDS' FAMILY. — USEFUL EMPLOYMENT OF HIS TIME. — STUDIES. — JOURNEY TO GEORGIA. — RETURNS TO MONTGOMERY AND STUDIES LAW WITH W. P. HUNT. — REMOVES TO VIRGINIA. — STUDIES WITH MR. SWANN. — IS ADMITTED TO PRACTISE BY THE CULPEPER COURT.

Mr. Hunt's school was discontinued in the year 1787. Wirt as now in his fifteenth year. But little remained of his small paimony, and he was brought to the necessity of seeking the means to upport himself. He was not without friends. His happy and conding temper attracted the good-will of his schoolfellows. His talents on the esteem of his teachers. The sympathy excited by his rphanage and the humility of his deportment brought him more an one protector.

Mr. Peter A. Carnes was an early patron and most useful friend o our pupil. This gentleman belonged to the bar of Maryland. He as the owner of a considerable landed estate in Charles county, and, eing a cultivator of tobacco, his occasions, both as a planter and as a rofessional man, often brought him to Bladensburg. Here he was ccustomed to take his lodgings in the public house which was kept y Jacob Wirt. He thus became intimate with the family, and had he best opportunities to observe the character of the young and prightly boy whose qualities were so well adapted to captivate his egard. This acquaintance ripened into a strong and lasting attach-

ment, which was subsequently manifested in the most substantial proofs of friendship to the family.

When Jacob Wirt died, Mr. Carnes charged himself, to some extent, with the control and guidance of the children of the family, of whom the eldest was Elizabeth, the senior of William by some ten years. There is reason to believe that Mr. Carnes assumed the direction of the education of William, and perhaps of Elizabeth, and defrayed the expenses of this charge chiefly out of his own pocket. William was consigned by him to the care of Mr. Dent, in Charles county; and Mr. Carnes himself,—according to some memorials of his family, which I have seen,—provided for him that comfortable homestead, where he was sheltered and made happy by "good Mrs. Love" and her family, in the memory of which the grateful pupil found so much pleasure.

Some years after this Mr. Carnes removed to Georgia and settled himself in the neighbourhood of Augusta, where he obtained eminence as a lawyer. Elizabeth Wirt was, at this time, grown to womanhood; her mother was dead, and she and her brother, we may suppose, were left in a condition to attract the sympathy and consideration of their good friend. Mr. Carnes sent for them both to come and live with him. William's destiny directed him to another quarter; but his sister obeyed the summons of her kind protector, who, soon after her arrival in Georgia, fortified his title to that relation by making her his wife.

In the few letters and other papers I have been able to collect, referring to this portion of Mr. Wirt's life, there is abundant evidence of the concern of Mr. Carnes in the fortunes of his young friend, and of the valuable service rendered by him to his protegé, at that age when friendly counsel is most needed.

Besides Mr. Carnes, there was another who now took an interest in the success of the youthful scholar, and whose connection with him had the most happy influence in shaping his career to that eminence which he afterwards achieved. This friend was Benjamin Edwards, at that date a resident of Montgomery county. His son, Ninian Edwards,—who, in after years, successively held the post of first Territorial Governor of Illinois, then Senator from that State, *and afterwards* the Governor of it—was the comrade and classmate

of Wirt in Mr. Hunt's school. When this school was broken up and our disbanded student had returned to Bladensburg, as to a point from which to make a new start in life, young Edwards happened to take with him to his father's house the constitution of the moot court to which I have referred in a former chapter, and, along with it, the report or prefatory letter. This was probably exhibited in the family as one of those achievements which, in the world of school-boys, are magnified for purposes of renown, with a more affectionate exaggeration than we are apt to hear of it in the larger world. This triumph of the academy thus came to the eye of Mr. Edwards, the father, and doubtless with no modicum of praise of the cleverness of the author. The result was, in brief space, a letter from the father to young Wirt, inviting him to a station in the family, as a private tutor to his son Ninian and two nephews, who were all contemplating a transfer to college, and who stood in need of some preparatory study, which, it was thought, Wirt was qualified to direct.

This invitation, in any aspect a most agreeable one, was rendered still more acceptable by the assurance which accompanied it, that Mr. Edwards' library should be at the service of the new teacher, for the prosecution of his own reading. A summons so opportune to this new field of duty, was, of course, quickly and gratefully accepted, and the pupil, now converted into a teacher, was most comfortably established at Mount Pleasant — as this seat was appropriately called — in the bosom of a hospitable, cultivated, and estimable family.

Mr. Edwards had been a member of the Legislature of Maryland; —had acquired reputation in that body as a skilful and accomplished debater. In this relation he had attracted the commendation and friendship of the great leader, in that day, of the politics of the State —Samuel Chase. He was, besides, well versed in general literature; his mind was strong, direct, and trained to reflection; his demeanour challenged respect and esteem by its dignity; his character, public and private, was distinguished for lofty patriotism and inflexible virtue. His manners were affable, and particularly agreeable to the young, with whom he was fond of associating,—charming them by instructive conversation, with the benevolence of his disposition, and his ready sympathy with the tastes and interests of his youthful auditory, rendered *manifold in its useful impressions* upon them.

This is the outline of the character Mr. Wirt was wont to give of his early friend. How fortunate may we regard him in being brought within the sphere of such a man's influence! It is one of the most pleasant traits in the history of the subject of this biography, that to the last day of his life he could not speak of Benjamin Edwards, but with the strong emotions of a grateful affection, which seemed to be even more than filial. We shall see many evidences of this generous recognition in the letters which may be introduced into the future pages of this narrative.

"You have taught me," he says, in one of these letters, written to his old friend at a date when he had conquered the obstacles of poverty, and had hewn his way to a profitable, as well as a brilliant reputation — "to love you like a parent Well, indeed, may I do so, since to you, to the influence of your conversation, your precepts, and your example in the most critical and decisive period of my life, I owe whatever of useful or good there may be in the bias of my mind and character. Continue then, I implore you, to think of me as a son, and teach your children to regard me as a brother: they shall find me one, indeed, if the wonder-working dispensations of Providence should ever place them in want of a brother's arm, or mind, or bosom."

The young tutor's final destination was the bar. With much to justify an augury of success in this profession, he had also some drawbacks. He was shy and timid in any public exhibition of himself. His enunciation was thick and indistinct, marked by a nervous rapidity of utterance. Both of these may be regarded as great embarrassments in the way of a profession which requires the utmost intrepidity of self-protrusion, and whose outward and visible manifestation exists more in round, clear, and dauntless speech, than in any other attribute by which it can be made known.

Mr. Edwards soon observed these defects in his young friend, and, with a persuasive and gentle skill, set himself about removing them. He narrated to him, by way of encouragement, some incidents in his own experience, — particularly those which belonged to his *debut* in the Legislature, in which he gave a strong picture of his embarrassment, his confusion and fear of breaking down, and his surprise at *his safe deliverance*, and the compliment paid him by Mr. Chase,

when he had supposed his failure complete. He sometimes took occasion also to rally his listener upon his diffidence; and to give him some adequate conception of the little room he had to fear the competition of what was understood to be the most formidable class of antagonists he might be compelled to encounter in life. He fortified this lesson, by assuring him, that there were not many of those who had arisen to distinction, who had not to contend with obstacles as great as his own. Dorsey and Pinkney, both young men at that period, and both beginning to attract the observation of the community, were held up by Mr. Edwards to his comment. "Dorsey," said he, "whom you so much admire, and Pinkney, whom you will admire still more when you shall have seen him, are making their own way to distinction under as great disadvantages as any you have to encounter."*

With whatever distrust, the shy student at that time received these friendly persuasives, and however incredulous he might be of the hopes his friend was endeavouring to implant in his mind, it was not many years before he had realized more than had been promised him. A letter from Mr. Edwards reached him at Williamsburg in the palmy day of his career, fondly recalling to him the predictions of this early time in Montgomery, and exulting, with the pride which a father only might be supposed to feel in the advancement of a son, at the fulfilment of the prophecy.

Twenty happy and useful months were spent under the roof of Mr. Edwards. In the successive occupations of classical study, of instructive conversation, and preparations for that profession to which he was hereafter to devote his life, Wirt found, at this epoch, the most solid benefits. In the contemplation of that robust and manly character which was daily presented to his notice in his patron and friend; in the dignity of deportment, lofty virtue and massive good sense of this worthy gentleman; in the unostentatious simplicity of the family, their genuine kindness and indulgent consideration of himself, he found daily a stimulus to the cultivation of the virtues both of his heart and head, and the strongest incentives towards the fulfilment of those aspirations for renown which, in after life, he so successfully accomplished.

* Cruse.

At the expiration of this period, his health became somewhat impaired. By the advice of friends, he determined to make a journey on horseback to Georgia, and spend the winter with his friend and brother-in-law, Mr. Carnes, and his sister, whom he had not seen since her marriage.

We have no narrative or remembrances of this journey to refer to. It was undertaken towards the end of the year 1789. The traveller set out alone. He was in his seventeenth year. The way was long, and a great deal of it lay through a dreary wilderness of pine-forest and sand. It was no light enterprise in that day;—but we may well imagine that to the cheerful boy, so full of pleasant fancies and rosy hopes, the wayside brought no weariness. In the first outlook of a youth of seventeen upon the world, mounted upon his steed; with a purse sufficiently stored to bring him to his journey's end; with all his worldly goods packed on a pad behind his saddle; with a gay heart in his bosom, and a sunshiny face beneath his beaver,—what is there on the globe to make him sad? No shadow upon his path ever takes a gloomy hue, no lonesome by-way finds him unaccompanied with pleasant thoughts, no fatigue overmasters or subdues the buoyancy of his mind; the rain and the wind bring no melancholy when they drive against his breast. The swollen river which, in some mountain gorge, compels him to a halt, is but a picturesque hindrance which he has the boldness to tempt, or the patience to wait for. Nightfall but heightens the romance of his dreams, as he holds his way, guided by some distant taper, to the rude shelter of a woodman's hut. The hearth to which he has found this doubtful path, gleams with a light more cheerful than the illuminations of a palace, when its rays are thrown upon the homely group of the woodman's family from the blazing faggots, kindled to prepare for him a supper with which no banquet in his elder day is to be compared.

If our young adventurer had kept a journal of this expedition, we should, doubtless, have had abundant material from which to illustrate the content and joy with which such experiences would be recorded.

The Southern winter seems to have told well upon his constitution. He had been threatened with a pulmonary complaint which had excited some alarm in his friends, and it was supposed he might find

the advantage of his health, as well as to the professional career
ich he directed his views, to make a permanent settlement in
gia. The journey on horseback, however, and the genial winter
at region, wrought a rapid change in his condition, and enabled
o pursue his aims in a quarter more attractive to his regards,
as we must believe from the result, more favourable to the ob-
of his ambition. His vigour was restored, and he returned to
land in the spring.

e now took up his abode at Montgomery Court House, and en-
upon the study of the law with William P. Hunt, the son of
rmer preceptor. In this position he remained about a year, and
for the first time, went to reside in Virginia.

ind a reference to this removal, and the causes which led to it,
e of the few early letters which have fallen under my notice.
addressed to Mr. Carnes, in Georgia, in November, 1792.

While with Mr. Hunt," he writes, "a friend informed me of a
advantageous station for a lawyer in the state of Virginia. Every
urged me to seize it. The law of Virginia required of me twelve
hs' residence in the state, and a previous examination by three
e Judges of the General Court. I removed my residence immed-
ly to Virginia, and after residing about five months under a Mr.
n*—an acquaintance and school-mate of Tom Carnes, and a
g fellow of distinguished legal abilities,—I applied to the judges
license; by a manœuvre, removed the objection of non-residence,
after a minute scrutiny into my information, obtained the signa-
of three of their Honours to my license. I have disposed of my

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fy readers will recognize in this reference, Mr. Thomas Swann, a dis-
ished member of the bar of Washington, and for several years District
ney of the United States in that city. The acquaintance between him
Mr. Wirt, which commenced at this early period, ripened into a cordial
lship, which was maintained throughout life unbroken, and was mani-
l in the constant habitual exchange of kindness which the proximity
sidence enabled them to practise to the latest day of Mr. Wirt's life.
few letters, the fragments only of a frequent correspondence between
, remain. I have particularly to regret my failure to procure that por
f it which belonged to the earlier period of Mr. Wirt's career, in which
hoped to find some instructive details of his life. This may possibly
e recovered.

property, and am now over (this letter is written from Prince George's county, Maryland,) for the purpose of receiving the money. Immediately upon the reception of this, I commence the practice of the law."

This is the introduction of William Wirt to Virginia, a state with whose fame he grew to be almost inseparably identified, and towards which he never ceased to look with the affection of a child for a parent.

What was the nature of the "manœuvre" by which he circumvented their "Honours," and thus got himself prematurely ensconced in the bosom of that bountiful mother, we are not informed. But we may, with some reason, account that to be a pious fraud which so successfully gave this dutiful and reverential son to a family which has never ceased, from that moment, to regard him as one of its most cherished favourites. In a more worldly sense, too, it may be reckoned as a token of the future prosperity of the young lawyer, whose *first case* was won by so commendable a piece of sharp-sightedness. Let us, on our part, look to this incident both as a pledge of attachment and fealty to the new sovereign from its new subject, and a proof of his adaptation to that profession which owes so much of its thrift, if not its glory, to the dexterity which is occasionally called to display itself in finding out an unguarded point in the outworks of the law.

The Court in which he was admitted to practise, was that of Culpeper county, and his residence was accordingly taken in the court house village.

CHAPTER IV.

1792—1794.

HIS LIBRARY. — FIRST CASE. — DIFFICULTIES ATTENDING IT. — IS ASSISTED BY A FRIEND. — A TRIUMPH. — HIS COMPANIONABLE QUALITIES. — HABITS OF DESULTORY STUDY. — PRACTISES IN ALBEMARLE.

We have the young practitioner now fairly embarked upon the sea of his profession.

There is good authority for saying that his library and professional equipment were not of the most various or effective description. He has told the story himself, that his whole magazine of intellectual artillery, at this period, comprised no other munitions than a copy of Blackstone, two volumes of Don Quixote, and a volume of Tristram Shandy. Behind these, there was, probably, a twelve-month's study, partly, no doubt, travelled along the flinty highway of Coke and Littleton, but, we may be pretty confident in the conjecture, not less diligently conversant with the secret and pleasant byways of Tom Jones, Roderick Random, and their kindred adventurers.

He was now upon a theatre to which he had anxiously aspired, and one which would surely try his metal. He came to this probation under some fearful disadvantages;—that is to say, with no great store of legal provision, and with his constitutional timidity still unconquered.

Only those who have gone through the ordeal of public contest, with this weight upon their shoulders, can estimate the oppression—the horror, I might say—of such a drawback. The ordinary pursuits of business-life give one no insight into the sufferings of the public speaker who is compelled to struggle against the reluctance of a diffident nature. The young hero of the buskin, when first brought to the footlights to confront that combined Hydra and Briareus, an assembled audience, can tell a piteous tale of terror, if asked to describe his *emotions*. *The novitiate* of a legislative hall may give

an interesting experience to the same point. But, more severe than either, is the experiment of the disconsolate barrister when he rises, for the first time, to discourse the most difficult and perplexing of all human lore, in the presence of the frowning and solemn majesty of the bench; or when he faces that personal embodiment of popular justice, the twelve "probos et legales homines," which the traverser who "puts himself upon his country" is taught to believe, by a violent fiction, to be the country itself, but in which the maiden orator sees only a most formidable fragment of it. The young votary who, for the first time, stands in this presence, surrounded by its usual and characteristic auditory, drawn thither by that insatiable love of the scenery and incident of the judicial drama, which is prescriptively the passion of the multitude; when he sees the compact pavement of heads extending into every nook within the horizon of his vision, with their multitudinous eyes concentred upon one focus, and that focus himself; all eager to hear every word, the general curiosity overcoming all uneasiness of attitude, all discomfort of the heated atmosphere, all hunger and thirst—what is there in Fuseli's imagination of nightmare to give a more frightful picture of the oppressed brain and bewildered sight than this spectacle, presented to a shy and unpractised youth, ineffectually labouring, in advance, to repress the throes of a constitutional diffidence!*

Such are the trials familiar to those whose professions compel them to encounter this discipline.

Wirt's enunciation was still defective: it was confused and hurried. His voice, when undisturbed by that timidity which deprived him of his command over it, was rich and melodious. His person was at this time quite as prepossessing as it was remarked to be in his later manhood. His manners were well adapted to make friends.

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* One such scene I have witnessed, and I remember the agony with which the confused novitiate arose a second time, having been but a moment before compelled to take his seat, in the hope to collect his routed thoughts. His second essay was not more fortunate than the first. He stood silent for a brief space, and at the end was able to say—"Gentlemen, I declare to Heaven, that if I had an enemy upon whose head I would invoke the most cruel torture, I could wish him no other fate than to stand where I stand now." Curiously enough, the sympathy which this appeal brought him, *seemed almost instantly* to give him strength. A short pause was followed *by another effort, which* was completely and even triumphantly successful.

His first appearance at the bar is described by his biographer pretty much from his own account of the incident. It was well remembered amongst Mr. Wirt's early friends. Luckily for him, this first accost was attended by some excitements which overmastered his shyness and reserve, and saved him many pains. The occasion and its events are set forth with so much interest in Cruse's memoir, that I take pleasure in offering his description of it in his own words.

"With these advantages and defects, such as they were," says the memoir, "he was to begin the competitions of the bar in a part of the country where he was quite unknown, and where much talent had pre-occupied the ground, with experience on its side and acquaintance with the people and their affairs. There is no part of the world where, more than in Virginia, these embarrassments would be lessened to a new adventurer; as there is no where a more courteous race of gentlemen accessible to the prepossessions which merit excites. There was, however, another embarrassment; our lawyer had no cause. But he encountered here a young friend much in the same circumstances, but who had a single case, which he proposed to share with Wirt, as the means of making a joint *debut*. With this small stock in trade, they went to attend the first County Court.

"Their case was one of joint assault and battery, with joint judgment against three, of whom two had been released subsequently to the judgment, and the third, who had been taken in execution and imprisoned, claimed the benefit of that release as enuring to himself. Under these circumstances, the matter of discharge having happened since the judgment, the old remedy was by the writ of *audita querela*. But Mr. Wirt and his associates had learned from their Blackstone that the indulgence of courts in modern times, in granting summary relief, in such cases, had, in a great measure superseded the use of the old writ; and accordingly presented their case in the form of a motion.

"The motion was opened by Wirt's friend with all the alarm of a first essay. The bench was then, in Virginia County Courts, composed of the ordinary justices of the peace; and the elder members of the bar, by a usage, the more necessary from the constitution of the tribunal, frequently interposed as *amici curiæ*, or informers of the conscience *of the court*. *It appears* that on the case being opened,

some of these customary advisers denied that a release to one, after judgment, released the other, and they denied, also, the propriety of the form of proceeding. The ire of our beginner was kindled by this reception of his friend, and by this voluntary interference with their motion; and when he came to reply he forgot the natural alarms of the occasion, and maintained his point with recollection and firmness. This awaked the generosity of an elder member of the bar, a person of consideration in the neighbourhood and a good lawyer. He stepped in as an auxiliary, remarking that he also was *amicus curiæ*, and, perhaps, as much entitled to act as such as others; in which capacity he would state his conviction of the propriety of the motion, and that the court was not at liberty to disregard it; adding that its having come from a new quarter gave it but a stronger claim on the candour and urbanity of a Virginian bar. The two friends carried their point in triumph, and the worthy ally told his brethren, in his plain phrase, that they had best make fair weather with one who promised to be a thorn in their side. The advice was, we dare say, unnecessary. The bar of that county wanted neither talent nor courtesy; and the champion having vindicated his pretensions to enter the list, was thenceforward engaged in many a courteous passage at arms.

"The auxiliary mentioned in the above anecdote, was the late General John Miner, of Fredericksburg, of whom Wirt, in subsequent years, often spoke with strong gratitude and esteem. 'There was never,' he says, 'a more finished and engaging gentleman, nor one of a more warm, honest and affectionate heart. He was as brave a man and as true a patriot as ever lived. He was a most excellent lawyer too, with a most persuasive flow of eloquence, simple, natural and graceful, and most affecting wherever there was room for pathos; and his pathos was not artificial rhetoric; it was of that true sort which flows from a feeling heart and noble mind. He was my firm and constant friend from that day through a long life; and took occasion, several times in after years, to remind me of his prophecy, and to insist on my obligation to sustain his 'prophetic reputation.' He left a large and most respectable family, and lives embalmed in the hearts of all who knew him.'"

In this, his first adventure, he was more successful than those who

ew him best had expected. He was indebted for this, in no small gree, to the lucky accident of having his temper aroused for the nflict. We may suppose, too, that the aid and comfort of that werful ally to whom the story refers, was felt, not less in the kind- s and encouragement of a friendly countenance bestowed upon the ng pleader at his first rising, than in the substantial assistance en before the trial was ended. The sympathy of a good-natured e, the warm gaze of a friendly eye, and the silent gesture of appro- tion and assent, are potent antidotes to the alarms which players wont to call "the stage fright," and what, in the Hall of Themis, may term, in analogy to this, "the fright of the bar."

The ordeal, however, was past. The ice was broken, and the new rister felt that he might thenceforth walk into the courts unques- ned.

Those who knew Wirt in that day were accustomed to speak of him a gay and happy companion, careless somewhat of the labour of s profession, and more disposed to cultivate the congenial pleasures good-fellowship, than to pursue, by any painful toil, the road to ne. It was therefore usual to say, that, at this period of his life, gave no very recognizable pledge of that eminence which he after- rds attained. It may be true that his studies were not so conver- nt with the deeps of legal science, as one might demand from the mbitious lawyer, and even that he doffed aside the sometimes admon- ning hopes of a solid professional fame; but it can scarcely be true nt an active and apprehensive mind, such as his, was suffered either rust for want of use, or to devote itself to frivolous or useless sub- cts. We have many evidences in the letters and other papers which ve reached us, that the most absorbing passion of his nature was onging for that renown which was chiefly to be won in forensic umphs. We may confess it to be equally true, that there is appa- nt, in all that has transpired, regarding this portion of the life of r. Wirt, a sad want of system in his study. There are minds, how- er, of the very highest power, which seem to reject system with stinctive aversion, and to pursue their aims with what might be lled a capricious versatility of study; which, being susceptible of rid impressions from the object upon which they are employed, are t to be enticed *from the course* of methodical occupation by the

attraction of new pursuits, or driven from it by the weariness or pain of the old.

We may conclude that, to some extent, this remark is applicable to the character of Mr. Wirt's mind. With an eye quick to discern beauty, whether in nature or art, with a teeming and active imagination, with a heart full of the charities of life, and with a keen zest for the delights of a frank companionship, it may be believed that neither his professional zeal, nor his hopes of future fame, were, at all times a match for these antagonists, nor potent enough to guard him against their seductions; that both his studies and his recreations were likely to seek their pleasures in that field where the poetry of life held an acknowledged sway over the severer, and we may even say, repulsive studies to which "the youth whom *the law* destines to a bright manhood" is compelled to devote his time.

He continued to practise at the bar of Culpeper court some one or two years, with increasing success; in the meanwhile extending his acquaintance and business connections into the neighbouring counties. In this circuit he included Albemarle county, a region of Virginia especially distinguished for eminent and highly cultivated men. The aspiring barrister here found many friends, whose influence in the control of his future life was of the most fortunate aspect.

CHAPTER V.

1794—1799.

ALBEMARLE FRIENDS.—DR. GILMER.—MR. JEFFERSON, MR. MADISON AND MR. MONROE.—JAMES BARBOUR.—MARRIES MILDRED GILMER.—PEN PARK.—DR. GILMER'S LIBRARY.—HOSPITALITY OF THE COUNTRY.—DANGERS TO WHICH HE WAS EXPOSED.—CHARACTER OF THE BAR.—HIS POPULARITY AND FREE HABITS.—FRANCIS WALKER GILMER.—THOMAS W. GILMER, LATE SECRETARY OF THE NAVY.—DABNEY CARR AND HIS FAMILY.—ANECDOTE OF BARBOUR, CARR AND WIRT.—STATE OF FLU.—DEATH OF DR. GILMER.—ROSE HILL.—LETTER TO CARR.

AMONGST the friends whom Wirt found at this period, in Albemarle, was Doctor George Gilmer. This gentleman, the descendant of a Scotch family which had emigrated at an early date to Virginia, had been prepared for his profession in Edinburg, and was at this time an eminent physician, in the enjoyment of a large practice. He lived at Pen Park, his family seat, in the neighbourhood of Charlottesville. He had been noted as a zealous and effective friend of the Revolution—had borne arms in the cause; was a man of genius, of accomplished education, wit and refinement. Living in the immediate neighbourhood of Mr. Jefferson, and within a day's ride of Mr. Monroe and Mr. Madison, it was his singular good fortune to enjoy the intimate acquaintance and friendship of these distinguished men.

His family circle furnished attractions both to old and young. His children drew around them many cheerful and happy companions, and his own accomplishments, as a man of letters and observation, brought him the best society of the time. An elegant hospitality prevailed in his household; choice books were found in his library; instructive and agreeable conversation enlivened his fireside. Pen Park exhibited just such a combination of *rare* and pleasant appurtenances as are *likely to make the best impressions* upon the mind of an ingenu-

ous and ambitious youth, and to inspire him with zeal in the cultivation of virtue and knowledge.

Of the children who, at this date, graced the family board, there were two with whom these memoirs have an intimate connection. The first was Mildred, the eldest of the family; the other was Francis Walker, the youngest born of a numerous progeny. The daughter was richly gifted with the gentle attractions of her sex, intellectual, kind, cheerful, and noted for her good sense and just observation. She was then just growing into womanhood, with all the joys of that happy period radiant in her face. The imaginative and susceptible young barrister found a fairy land in this romantic spot, and a spell in the eye and tongue of the maiden which charmed too wisely to be broken. The father's regard for him opened the way to a closer alliance, and it was not long before he took his place in the family as a cherished son-in-law.

The marriage was solemnized at Pen Park, on the 28th of May, 1795. From this period, Wirt's residence was established with the family of his wife. His practice and reputation increased. Amongst several lawyers, then and afterwards well known to fame in that region, he is said to have stood on the same platform with the best. Of these it would be sufficient to mention the names of Barbour, Cabell,—now the President of the Court of Appeals of Virginia,—Carr, Davenport, Austin, Stuart and others, who will be recognised, by those who are familiar with the bar of Virginia, as gentlemen who enjoyed a well deserved repute for professional worth, and some of whom afterwards attained to an enviable celebrity throughout the Union.

From this date we may observe the steady advancement of the fortunes of the subject of this narrative—shaded now and then, by a temporary cloud,—but nevertheless forced onward by the innate strength of his character and the impetus of brilliant talents and useful attainments. Doctor Gilmer became warmly attached to him; brought him into intimate acquaintance with the illustrious persons to whom I have referred; whetted his appetite for elegant literature, by the habitual display of his own stores gathered in the diligent study of it; gave fresh vigour to his taste and fancy, by directing his *studies to the best books*. The young student was charmed to find

such happy access as the Doctor's library afforded, to those fountains of English thought and speech which poured their streams through the pages of Hooker, Boyle, Locke, Barrow, South, Bacon and Milton. From these he drank deep draughts, and filled his mind with that reverence for the old literature of our native tongue, which was ever after noted as one of the most determinate characteristics of his mind. His acquaintance with Mr. Jefferson, Mr. Madison and Mr. Monroe, at this date, before either of them had been elevated to that high honour which each subsequently attained, led, in due time, to confidential esteem and friendship, which was variously manifested throughout the lives of the parties. Such a fact as this may be interpreted to furnish the strongest evidence of the personal merit of the individual to whom it relates.

Happy,—most auspicious was it for him that he was thrown thus early under the guidance of so kind and competent a friend as the worthy proprietor of Pen Park. Fortune confers no richer boon upon generous and aspiring youth than when she gives him wise and affectionate friends. To win an honoured place in the household and in the heart of a liberal, refined, benevolent and observant gentleman; to be freshly engrafted upon a loving and pure-minded family; to feel the gentle and considerate kindness of parents seconding and sustaining the devotion of a wife; to observe all around him the blossoms of a new affection, diffusing their fragrance into the atmosphere which he inhabits, and daily ripening into fruit for his enjoyment,—there are few natures so stolid as not to draw from these environments good store of nutriment to improve the heart, exalt its charities, and quicken its impulses towards the cultivation of virtue, honour and religion. It is true that such blandishments are not exempt from the necessity of that vigilant self-control, which every condition of fortune seems to exact from a well-ordered mind. The vicious enticements of life openly challenge us to be upon our guard, and there is no great share of merit to be awarded to the youth who, plainly perceiving the danger, arms himself in good time against it. But when prosperity enlivens all around us, and affection is continually striving to make us happy by the offerings of kindness, the heart is sometimes taken unawares by its own jocund and overflowing content, and may fall into the snares *of that pleasure which the* generosity of friendship itself admi-

nisters. I do not wish to conceal the fact that at this time of the life of Mr. Wirt, he was not altogether free from the censure of having sometimes yielded to the spells of the tempter, and fallen into some occasional irregularities of conduct. I am aware that this charge has been made in graver form, with some amplitude of detail and circumstance. It is partly to correct what is false in this, but much more from a consideration of what is due to truth and to the impartial presentation of the subject of my biography, that I now allude to it. I cannot be insensible, either, to the duty of exhibiting to the youth of the country a faithful picture of an eminent man, in whose career they may study the best lesson for their own guidance to a life of public usefulness and to the reward of an honourable fame. I should not be true to this aim if I kept out of view the occasions which should enable me to show how strictly the most virtuous natures should observe the tendency of every quick impulse, doubt its safety, and check its first extravagance.

Wirt was now twenty-five years of age. He was companionable, warm-hearted and trustful. His mind was quick, and imbued with a strong relish for wit and humour. An old friend, who knew him well in that day, says of him: "He had never met with any man so highly engaging and prepossessing. His figure was strikingly elegant and commanding, with a face of the first order of masculine beauty, animated, and expressing high intellect. His manners took the tone of his heart; they were frank, open and cordial; and his conversation, to which his reading and early pursuits had given a classic tinge, was very polished, gay and witty. Altogether," he adds, "he was a most fascinating companion, and to those of his own age, irresistibly and universally winning."*

Such a character we may suppose to be but too susceptible to the influences of good-fellowship, which, in the jollity of youthful association, not unfrequently take the discretion of the votary by surprise, and disarm its sentinels. The fashion of that time increased this peril. An unbounded hospitality amongst the gentlemen of the country, opened every door to the indulgence of convivial habits. The means of enjoyment were not more constantly present than the solici-

* Cruse's Memoir.

tations to use them. Every dinner-party was a revel; every ordinary visit was a temptation. The gentlemen of the bar, especially, indulged in a license of free living, which habitually approached the confines of excess, and often overstepped them. The riding of the circuit, which always brought several into company, and the adventures of the way-side, gave to the bar a sportive and light-hearted tone of association, which greatly fostered the opportunity and the inclination for convivial pleasures. A day spent upon the road on horseback, the customary visits made to friends by the way, the jest and the song, the unchecked vivacity inspired by this grouping together of kindred spirits,—all had their share in imparting to the brotherhood that facility of temper and recklessness of the more severe and sober comment of the world, which, it will be acknowledged, is dangerous to youth in proportion to the enjoyment it affords. Then, the contests of the bar which followed in the forum, the occasions they afforded for the display of wit and eloquence, and the congratulation of friends, were so many additional provocatives to that indulgence which found free scope when evening brought all together, under one roof, to rehearse their pleasant adventures, and to set flowing the currents of mirth and good-humour,—to "make a night of it," as the phrase is, kept merry by the stimulants of good cheer. The bar yet retains some of these characteristics; but the present generation may but feebly conceive the pervading and careless joyousness with which, in that early time, the members of their mirthful craft pursued their business through a country-side. I mean no disparagement to the learned and gay profession, but, on the contrary, some commendation of the kindly spirit of its brotherhood, when I say, that in these incidents of its character and association there was manifested something of the light-heartedness and improvidence of the old-fashioned strolling theatrical companies. The present generation will bear witness to many an ancient green-room joke of the circuit, which yet floats abroad in Virginia, with a currency scarcely less notable than when it was first cast off.

William Wirt was well known in these associations of Albemarle and the surrounding counties, an admired object in the court-house during the day, a leading spirit in the evening coterie; eloquent on the field of justice, sustaining his client's cause with a shrewd and sometimes brilliant *skill; not less eloquent* at the table or the mess

room, where his faculties were allowed to expatiate through another range, and where he gave reins to the wit and mirth which shook the roof-tree. We may not wonder that, in the symposia of these days, the graver maxims of caution were forgotten, and that the enemy of human happiness, always lying at lurch to make prey of the young, should sometimes steal upon his guard and make his virtue prisoner.

The too frequent recurrence of these misadventures in that day, have furnished food for much gross calumny in regard to him, and have led to the fabrication of coarse and disgusting charges of vulgar excess, which I am persuaded are utterly groundless. The friends of Mr. Wirt have seen with regret, that the most offensive of these inventions have sometimes been used, with many fanciful and absurd additions of circumstance, by indiscreet zealots in the cause of temperance, who have seemed to think it quite excusable to repeat and aggravate the most improbable of these falsehoods, for the sake of the profit which they suppose may accrue to the world from the use of a distinguished name to point the moral of their story. Whilst not seeking to extenuate the irregularities to which I have alluded, beyond what they may fairly claim from the circumstances in which they were indulged, and, indeed, recurring to them only with a profound regret, I could not allow the occasion now before me to pass by without this open and distinct denunciation of the libels I have seen, and of the terms of wanton and malicious exaggeration in which they have been repeated.

Francis Walker Gilmer, the youngest son of the Doctor, will be often referred to in the course of this narrative. At the time of Wirt's marriage he was but a child. As he grew towards manhood, he developed a high order of talent, which led him to the study of the law and to the eager pursuit of letters. He was eminently qualified to excel in both. An early death, however, deprived the bar of the promised distinction which seemed to await the student; and the literature of the nation has been enriched only to the amount of a few unstudied essays, which acquired a temporary distinction from the presage they afforded of what the author was capable of accomplishing. Some of my readers will probably remember a few rapid, striking and scholar-like delineations of eminent public men, which, some twenty *years ago, attracted* a large share of attention at the seat of government,

under the title of "Sketches of American Orators." These sketches, collected into a small volume, I believe constitute nearly all that Francis Walker Gilmer has left in the way of a contribution to the literary store of the country.

Mr. Jefferson's friendship for Dr. Gilmer was extended to the son, and Francis was educated almosty entirely under the direction of the proprietor of Monticello, whose estimate of his talents and learning was frequently manifested, both in written correspondence and personal intercourse, by the most flattering expressions of confidence. He enjoyed, in scarcely inferior degree, the esteem of Mr. Jefferson's friend, the Abbé Correa, some time Minister from Portugal to this country, a man of distinguished erudition, and always a most welcome and admired visiter at Monticello.

I may mention, in this place, that the family of Pen Park has been recently more conspicuously brought to the view of the public by the interest attached to the career of Thomas Walker Gilmer, a grandson of the Doctor, not long since governor of Virginia, and later still, Secretary of the Navy, which post he held for a few months under the disastrous administration of the first Vice-President who has ever been called to the Presidential chair of the Union. The bursting of the great gun, "the Peace-Maker," on board of the Princeton, in February, 1844, will long be remembered in Virginia for the sudden and melancholy end it brought to the Secretary, then in the prime of vigorous manhood, and in the anticipation of a life of increasing honours.

Wirt, as I have hinted, was not the most sedate of all who rode the circuits. In those old-fashioned progresses from court to court, when the gentlemen of the bar, booted and spurred, rode forth more like huntsmen than learned clerks,—or like the Canterbury pilgrims, partially united the character of both,—sedateness was no very popular virtue in the troop. Amongst those who constituted Wirt's associates on these occasions, Dabney Carr was the most intimate. James Barbour, also, was a companion and friend of both. These friendships, so early began, lost nothing of their kindness or sincerity, throughout the vicissitudes and separations of after-life.

Dabney Carr, the father of the gentleman I have just named, was a man *of high consideration in the state*. He was a member of the

Legislature, in 1773, from Louisa, and most favourably known for his ability and zeal on the side of the colonies in their resistance to the encroachments of the parent government. He was the intimate friend of Henry, Nicholas, Lee, Pendleton, Jefferson,—indeed of all who had become distinguished in Virginia in promoting the first movements of the revolution.

With Mr. Jefferson he had a nearer connection, having married his sister. He died in May, 1773, almost immediately after the adjournment of that Legislature in which he had distinguished himself by the spirit and eloquence with which he urged the proposition, then first introduced by himself, for a more effective and concentrated action of the colonies through the means of committees—a proposition which, being adopted, seems to have stimulated the formation of the first Continental Congress.* He left behind him six children, of whom the three youngest were sons, Peter, Samuel and Dabney.

Dabney, the youngest of these, was born but a month before the death of his father, and was, therefore, not more than half a year the junior of his friend and comrade, Wirt. These two young men, so near the same age, living in the same part of the country, practising at the same bar, possessing great similarity of temper and character, both animated by the same ambition, contracted an affectionate intimacy which never afterwards lost its warmth, and which, as the reader will hereafter perceive, was most pleasantly illustrated in the correspondence between them to the latest period of their lives.

Peter Carr, the eldest of the three brothers, attracted the particular notice and regard of his uncle, Mr. Jefferson, in whose published correspondence will be found many evidences of the concern he took in the education of his nephew. This gentleman had directed his attention to the bar, which at that date, much more even than at present, was regarded as the best avenue to distinction. He, however, did not practise, but, preferring rural life and the pleasures of philosophical and literary study, betook himself to a farm in Albemarle, where he lived greatly beloved by his friends for his bland, affectionate and upright character, and admired by all who knew him as a polished and elegant scholar.

* See Mr. Jefferson's letter to Dabney Carr, April, 1810. Writings of *Jefferson, vol. 4, p. 271.*

Colonel Samuel Carr, the second of these sons, is still living, an opulent country gentleman, well known both in the political and social circles of Virginia, as one of her most valued citizens. He resided, during a great portion of his life, upon a landed estate in Albemarle, called Dunlora, and represented his district in the State Senate, where he acquired an extensive and well-deserved influence.

It was in the circle of which these gentlemen were amongst the most prominent members, that Wirt found the cherished companions of his early forensic life.

An incident, connected with this period, is worth relating.

James Barbour, Dabney Carr, and Wirt, were on their customary journey to Fluvanna, the adjoining county to Albemarle, to attend the court there, "the State of Flu," as that county was called in their jocular terms. They had been amusing each other with the usual prankishness which characterised their intercourse. Wirt was noted for making clever speeches, as they rode together. In these, he was wont to imagine some condition of circumstances adapted to his displays. Sometimes he rode ahead of his companions, and, waiting for them by the road-side, welcomed them, in an oration of mock gravity, to the confines of "the State of Flu," representing himself to be one of its dignitaries, sent there to receive the distinguished persons into whom he had transformed the young attorneys of the circuit. These exhibitions, and others of the same kind, are said to have been of the most comic spirit, and to have afforded many a laugh to the actors. At the time of the incident I am about to relate, the three whom I have mentioned, arrived at Carr's Brook, in Albemarle, the residence of Peter Carr, where they dined and passed the night. During this visit, whilst indulging their customary merriment, Barbour entertained them with a discourse upon the merits of himself and his companions, in the course of which he undertook to point out their respective destinations in after life. "You, Dabney," said he, "have indulged a vision of judicial eminence. You shall be gratified, and shall hold a seat on the Bench of the Court of Appeals of Virginia. Your fortune, William," he continued, addressing himself to Wirt, "shall conduct you to the Attorney Generalship of the United States, where you shall have harder work to do than *making bombastic speeches in the* woods of Albemarle. As for

myself, I shall be content to take my seat in the Senate of the United States."

This little passage in the lives of the three gay companions, has only become notable from the singular fulfilment of the jocular prophecy in respect to each of the parties.

Within a year or two after the marriage of his daughter, Doctor Gilmer died. In the division of his estate, which became necessary upon this event, a portion of it, known as Rose Hill, was allotted to the young wife and her husband, and here Wirt built a house, which thenceforth, nominally, became his residence. Rose Hill was in the vicinity of Pen Park, and as its new proprietors had no children, they spent so much of their time in the family mansion, as scarcely to allow us to say they had changed their dwelling-place. Amongst the several letters of Wirt, which have been preserved, belonging to this period, I find them all dated at Pen Park, affording evidence of the fact that the writer had not ceased to regard himself as an inhabitant of the domicil. I am tempted here to give one of these letters written, in the spring of 1799, to his friend Carr, which, dealing with a matter of no more importance than an invitation to dinner, may, nevertheless, interest the reader by the picture it affords of the light-heartedness of its author.

"I cannot go over to see you to-day, my good friend. And I have almost as many, and as solid reasons for my conduct, as Doctor Ross had for not wearing stockings with boots. The first of his was, that he *had* no stockings, and his catechiser was satisfied. Let us see whether you will be as candid.

"Firstly.—We have a troop of visiting cousins here, who have come from afar, and whom we cannot, you know, decently invite to leave our house.

"Secondly.—We have, perhaps, finer lamb and lettuce to-day, for dinner, than ever graced the table of Epicurus, not meaning to imply any thing to the dishonour of *Don*lora or *Dun*lora,—or something, I forget what.

"Thirdly.—Mr. Ormsby is here, who brings an historical, topographical, critical, chronological and fantastical account of Kentucky and its inhabitants.

"Fourthly.—To conclude, we have determined that, immediately

upon the receipt of this, you are to start for this place; for, you observe, that the same reasons which justify my staying at home, prove the propriety, and, I hope you will think, necessity of your coming hither."*

CHAPTER VI.

1799—1802.

HAPPY LIFE AT PEN PARK.—MISFORTUNE.—DEATH OF HIS WIFE.—RELIGIOUS IMPRESSIONS.—DETERMINES TO REMOVE TO RICHMOND.—ELECTED CLERK TO THE HOUSE OF DELEGATES.—NEW ACQUAINTANCES.—PATRICK HENRY.—RESOLUTIONS OF NINETY-EIGHT.—RE-ELECTED CLERK AT TWO SUCCEEDING SESSIONS.—TEMPTATIONS TO FREE LIVING.—TRIAL OF CALLENDER FOR A LIBEL UNDER THE SEDITION LAW.—WIRT, HAY, AND NICHOLAS DEFEND HIM.—COURSE OF THE TRIAL.—A SINGULAR INCIDENT.—JUDGE CHASE.—NULLIFICATION.—FOURTH OF JULY ORATION.—EMBARRASSED ELOCUTION.

THE term of his residence in Albemarle may be reckoned as marking the golden days of William Wirt's youth. He came to this region poor, and we may say, without friends,—at least, without such friends

* I have to acknowledge my indebtedness, for much of what I have been able to collect relating to the family of Dr. Gilmer, and Mr. Wirt's connection with it, to the kind assistance of the Hon. Wm. C. Rives, of Castle Hill, in Albemarle, and of his friend and neighbour, Mr. Franklin Minor, a grandson of Doctor Gilmer. I may take this occasion also to express my obligations to Mr. David Holmes Conrad, of Berkeley, for some interesting particulars relating to Judge Carr, and to Messrs. John R. Thompson, of Richmond, the accomplished editor of the Southern Messenger, and John M. Muschett, of Charles county, Maryland, for very acceptable contributions respecting the early life and professional history of Mr. Wirt. To numerous other friends I owe the same acknowledgment for many favours received in the course of my occupation upon these memoirs, and must content myself with this general proffer of my thanks, for services which have not been less useful to me than they have been indicative of the highest appreciation of the worth of the subject of my labours.

as open to us the road to fortune. He was inexperienced in the business of life, provided with no great store of useful knowledge, not yet sufficiently acquainted with the strength or value of his faculties to give him assurance of his fitness for the contests through which alone the career he had chosen might become prosperous. We may imagine him, also, neither over-confident in his discretion nor sanguine in his dependence upon the guidance of his judgment. Yet here it was his happiness to witness the quick growth of esteem and consideration; to become conscious, day by day, of the unfolding of those talents which were adequate to the winning of a good renown. Here he found himself growing, with rapid advance, in the affections of a circle of friends, whose attachment was then felt as a cheerful light upon his path, and which promised a not less benign radiance over his future days. But above all other gratifications, here it was that he became an inmate of that delightful home which love had furnished, and which wise counsel and instruction made as precious to the mind, as its other allurements had made it to the heart.

We err, if we believe that a life of unmixed content is the most auspicious to the fortunes of a young aspirant for fame. It need not be told to those who have been most active in the emulous trials by which consideration is won in the world, that the highest order of talent stands in need of the spur of occasional disappointment to stimulate its vigour, nor that a career of uninterrupted enjoyment is apt to dull the lustre of the brightest parts, and extinguish the ambition of the most generous and capable natures. Adversity is not unfrequently the most healthful ingredient in the cup of human experience, and the best tonic to brace the mind for those encounters in which virtue is proved and renown achieved.

Wirt was brought to the test of this truth more than once during that period of happy sojourn amongst the delights of Pen Park. We have already noticed the death of Doctor Gilmer, his instructor, guide and friend. In the fifth year of his marriage a more severe calamity fell upon him, in the loss of his wife. This event came with an overwhelming anguish, to teach him, if not the first, certainly the most painful lesson of his life, upon the uncertainty of human happiness and the duty of establishing our hopes upon surer foundations than the treasures of earth.

There is observable in the early letters of Mr. Wirt, some occasional indications of that sentiment of reverence for religious subjects, which, towards the close of his life, had expanded into the prominent characteristic of his mind. No occasion of hilarity, no companionship of wild and careless spirits, no youthful indiscretion seems ever to have betrayed him into the profanation of subjects esteemed sacred, or to the practice of the scoffs and jests which are too currently indulged in the festivities of thoughtless youth, or of unthinking age.

The death of his wife naturally strengthened this sentiment, and furnished occasion for the improvement of his heart, in the entertainment of more earnest pursuit and study of religious topics. I do not mean to affirm that this event led him to any external profession of religious duty; or that it, in any very perceptible degree, altered his demeanour in the presence of the world; but it had its influence in impressing more deeply upon his character that profound sense of the sacredness of spiritual truth, and the solace of Christian faith, which every healthful, reflective mind finds in the meditations which are prompted by the death of those we love.

The time had now come when he was once more to be thrown upon the world. His marriage had been without children. There was no tie but that of friendship and the remembrance of an overthrown affection, to hold him to this spot. He was young. The world was still before him; not less promising in its offer of the prize of ambition than it had been. Friends beckoned him to the labours of a fresh contest. An aching memory drove him from the scenes that surrounded him. The mind torn by grief yields readily to the solicitations of adventure, and finds a double stimulus to action, in the desire to escape from present suffering, and the hope to surround itself with new objects of affection.

He determined to establish his residence in Richmond. Before he abandoned Pen Park, he placed a tablet over the grave of her who had first brought him to this spot. The inscription upon it tells, in brief, nearly the whole history of this portion of his life — for it speaks of the two events most indelibly impressed upon his heart, and the sentiment that filled up the interval between the two dates to which they refer:

"HERE LIES MILDRED,

DAUGHTER OF GEORGE AND LUCY GILMER, WIFE OF WILLIAM WIRT

She was born August 15th, 1772, married May 28th, 1795, and died September 17th, 1799.

Come round her tomb each object of desire,
Each purer frame inflamed with purer fire,
Be all that 's good, that cheers and softens life,
The tender sister, daughter, friend and wife,
And when your virtues you have counted o'er,
Then view this marble and be vain no more"*

Thus closed a short episode in his life, which comprehended some five years of early manhood, illustrated by his first access of that circle of friends who became the solace of his after days, and by the experience of the purest of all delights, the associations of the domestic hearth, its affections and its virtues.

The bitterness of that misfortune which broke in upon this period of content, for a time suspended his practice, and drove him to other scenes and occupations. He went to Richmond, where the Legislature was in session. His friends in that body persuaded him to become a candidate for the post of clerk of the House of Delegates. The emoluments of this office were sufficient for his comfortable support; and the duties belonging to it were not so engrossing but that he might pursue his profession whilst he held it. The office itself was one of sufficient consideration to be regarded by a young man, to whom all public station was new, as an advancement in the career of life. It had been occupied in past time, by Chancellor Wythe, by Edmund Randolph, and others of name and fame in the State. Wirt was elected, and forthwith entered upon its duties.

This appointment was so far serviceable to him that it brought him into acquaintance with some of the most distinguished men of the day. Mr. Madison, whom he had previously known, Mr. Giles, Mr. Taylor of Caroline, and Mr. Nicholas, were members of the Legislature at this session. Patrick Henry had also been elected to a seat

* I am almost afraid to claim these verses as original. But I believe they were written by Mr. Wirt. If my reader, more conversant than I am with the stores of this kind of literature, should be able to trace them to another author, he will excuse my error. They resemble in style and structure some few poetical effusions of Mr. W., which have come to my hands.

in the House of Delegates, but his death, which took place a few months after his election, deprived Wirt of the opportunity to make a personal acquaintance with, or even to see, the great orator whose fame it became his province afterwards to commemorate.

Mr. Henry's participation in this Assembly had been looked to with a most profound interest throughout the State. The celebrated Resolutions of Ninety-eight had passed at the previous session. Henry's hostility to these resolutions had awakened his characteristic zeal in the cause of the country, and had brought him out from his retirement, once more to seek active duty in the field of his old renown. This was at a time when his constitution, greatly shaken and enfeebled by disease, had left him physically but the wreck of what he had been, though in mental power, we may infer, from what is told of the eagerness with which he threw himself into this contest with the distinguished men who sustained the resolutions, his infirmities had not yet lessened his confidence, nor quenched the ardour of his matchless eloquence. He had sided with the Federal Government on the questions which gave rise to those resolutions; and had expressed himself to the electors in his county, during his canvass, in terms of deep and unalterable hostility against the position which Virginia had assumed at this crisis. In his addresses, on this occasion, to the people, all his ancient fire seems to have rekindled, and there was every indication given that, in the approaching session of the Legislature to which he was elected, his monitory voice would be heard in rebuke of the proceeding of the previous Assembly, as clear and as stirring in its notes, as of old it had been heard, above the din and tumult of the Revolution. The side he had taken on this question was remarkably unpopular. It was in opposition to the opinions of the great majority of the people of Virginia, and to that of the most venerated and powerful political leaders. His hostility had raised Mr. Madison and his compeers, to whom I have already referred, to the defence of the resolutions, and it was every where hinted that the coming session was to be one of extraordinary interest. So strong was the feeling against Mr. Henry for his course in this juncture, that his oldest and best friends were alienated from him. Some excused what was called his aberrations, on the ground of his age and infirmities; others, less charitable, imputed them to worse motives:—

all looked to him, however, friend and enemy, with intense interest, to note his conduct, hear his argument, and weigh his opinions; all conscious that in this, probably the last scene in his public life, a great effort would be made to sustain his fame. Death came to his rescue, to save him from a contest in which, whatever might be the weight of his wisdom, the glory of his eloquence, or the integrity of his heart; however brilliant the exhibition of all these, they would have proved unavailing either to conciliate the friendship of estranged compatriots, or to overcome the hostility of the excited numbers who had already prejudged and condemned him. His triumph might, in no event, be won for the day in which he lived. Time only could be regarded as the true arbiter of his wisdom. Doubtless, when he resolved upon that contest, he sought no guerdon of applause from the present; he looked only to the future. The sage who has filled the measure of his days, and who, standing upon the margin of the grave, has no longer a motive to temporize with human passion or succumb to personal interests, scruples not to defy the world's opinion and to utter unwelcome truth to the generation around him, — has even a positive pleasure in this duty. He appeals to posterity for judgment, and is content to bide its coming. Old age contemplating its access to the world of eternity, instinctively inclines to reckon itself as associated with the future, and therefore more delights to speak to a coming generation than to that which it is about to leave.

How far Mr. Henry's opinions, in regard to the famous "Resolutions of Ninety-eight," have been justified by what has been developed since, is a speculation which may amuse those who take pleasure in exploring the tendency of the mind to exaggerate the importance of political events in the time of their bringing forth, and to remark how often and how significantly Time satirizes man's wisdom by turning the current of his fancied great exploits into channels which lead to nothing, losing their stream in the sand. These resolutions, so noted, have already served out their time, and have been cast into the great receptacle of abstractions, as things of no useful import. Professing to be expositions of the constitution, they already require expounders themselves; and, apparently, being scarce deemed worthy of the study of a commentator, they have been abandoned to their fate. They are now seen only as a buoy, floating

where there is no shoal, and warning the navigator of dangers to which he has learned to trust his keel, without precaution or alarm.

So great, however, was the excitement against Mr. Henry, at the time to which I have referred, that, upon the announcement of his death to the Legislature, and the suggestion of a monument to commemorate the gratitude of Virginia in behalf of the great patriot and orator, party zeal so far triumphed over the honourable pride of the representatives of the State, as to dismiss the proposition. And, from the silence of the journals of subsequent legislatures upon this proposal, the dismissal seems to have been final.

Wirt served, in his new office, with credit and full public approbation through the session, and was re-elected to the same post in the two succeeding years. If the society which Richmond afforded him, during his term of public duty, served to extend his acquaintance and good repute with those whose esteem is amongst the most precious things of life to a young man, it also brought him into some of those perils to which he was, from his character, peculiarly exposed. The Legislature was a concourse of gay and ungoverned youth, as well as of wise and sober age. The city in which the Legislature sat was somewhat noted, of old, for its choice spirits, its men of wit and pleasure, and its manifold inducements to tax the discretion of those who had no great store of that commodity to meet the requisition. The young clerk of the House was a great favourite with all. Every door was opened to him; every gay circle welcomed his coming, and the favour and admiration of friends were overpaid by draughts on an exchequer which suffered more from what it received than from what it disbursed,—a witty and playful spirit, which could not be exhausted in its outpourings, but which, too often, lost its guidance in the cloud of homage it brought around itself.

This portion of his life, Mr. Wirt, in his own review of it, was accustomed to consider as one of great temptation. Indeed, in the midst of its enjoyments, he was often led to reflect upon the necessity of a more severe devotion to his better aims, as he conceived them to be, in the steady pursuit of his profession.

He held the post of clerk of the House of Delegates during three sessions of the Legislature. In the first year of this term of service, he was brought somewhat conspicuously to the public observation as

the counsel of Callender. This person, who seems to have made a trade of libelling, who had been equally, at different periods, the calumniator of Washington, of Adams and of Jefferson, was indicted, in the spring of 1800, at the instance of Samuel Chase, then the presiding Judge of the Federal Government over the Circuit which comprehends Richmond, for the publication of a pamphlet which had gained an extensive notoriety, at that period, for a scandalous assault upon the existing administration. This pamphlet was entitled "The Prospect before us," and is yet remembered by many as one of the most pungent and acrimonious tracts connected with the political excitements of that day. The indictment of Callender was one of the first prosecutions under the sedition law. The enactment of that law had, in part, supplied the topic to the Virginia Resolutions, which, as we have seen, were yet a prominent subject of public discussion. The impolicy of this law, and the eager denunciation of it by a powerful and, indeed, now predominant party in the Union, gave to the prosecution of Callender a factitious importance, very much above what either the book or its author might have challenged on the score of their own significance.

The counsel for Callender were George Hay and Philip Norborne Nicholas, both young men holding a most respectable position at the Richmond bar. Wirt was associated with them in the cause, and was the youngest lawyer of the three. The case seems to have been a clear one, and Callender was convicted. In the impeachment of Judge Chase, some five years later, before the Senate of the United States, it was charged against him, in reference to this trial, that his conduct during the whole course of it was marked "by manifest injustice, partiality and intemperance." Amongst the specifications to sustain this charge were the following:

"In the use of unusual, rude and contemptuous expressions towards the prisoner's counsel, and in insinuating that they wished to excite the public fears and indignation, and to produce that insubordination to law to which the conduct of the judge did, at the same time, manifestly tend.

"In repeated and vexatious interruptions of the said counsel, on the part of the said judge, which at length induced them to abandon

their cause and their client, who was thereupon convicted and condemned to fine and imprisonment."

Judge Chase was known to be of a peremptory and absolute temper; and the testimony upon his impeachment shows, what, at least, may be said to be, a severe and perhaps discourteous bearing towards the counsel in this case. But, as an answer to the charge of manifest injustice, partiality and intemperance in his demeanour, the *unanimous* vote of acquittal—the only unanimous vote of the Senate in the case,—is conclusive.

We may infer, therefore, that the abandonment of the defence of Callender by his counsel, was one of those theatrical incidents—*coups de théâtre*—which ingenious advocates are sometimes known to contrive, as more efficacious in the way of defence, than the attempt to breast an array of inevitable and discomfiting facts. Such a device seems well suited to a state trial, in which auditors and jury are supposed to have all their sympathies and good wishes with the prisoner. It was a political affair, in public estimation, and the retirement of counsel, under the pretext of being driven off by the hectoring temper of the judge politically hostile to the prisoner, was likely to be regarded not as a confession of the guilt of their client, but as an appeal to the jury, and an invocation to them to take him into their protection. The facts, however, were too clear against Callender, and the adroit counsel were disappointed in the efficacy of the movement, if it were dictated by the considerations I have suggested.

We must, however, confess that the dogmatism of the judge, not to say the positive harshness of his treatment of the counsel, may have been the true and only motive for their retirement; although the point might be strongly argued against the right of an advocate, in a cause which he conscientiously believes to be good, to desert his client and leave him to his fate, under any amount of provocation or insult from a judge, which did not actually disable him from performing his duty.

Mr. Hay and Mr. Nicholas were both examined as witnesses on the impeachment. From their testimony it appears that the chief, if not the only defence of Callender, was upon the constitutionality of the sedition law, which point, it would seem, they were desirous should be submitted to the jury. The judge was known to be unal-

terable in his view of the constitutional question; and there being no hope from him, the counsel insisted upon the power and the right of the jury to nullify the act of Congress; — a heresy, we may call it, which has been revived in a later day, and which has fared no better with the American people than it did upon its first production, with Judge Chase. This doctrine, the first and almost the only fruit of the Resolutions of Ninety-eight, has been, from first to last, a Dead Sea apple which has crumbled into dust whenever it has been lifted to the lips.

Our young advocate figures in this scene. I extract what relates to him from Mr. Hay's testimony before the Senate.

"It was the intention of the counsel of Callender," says that gentleman, upon his examination, "to defend him on the ground of the unconstitutionality of the sedition law. The gentlemen who were associated with me preceded me in the argument, but were not permitted to address the jury on the point I mentioned. The treatment experienced by Mr. Wirt, I have, in some degree, related. He was interrupted two or three times by the judge, for the purpose of telling him that the doctrine for which he was contending,—that the jury had the right of determining the law as well as the fact,—was true. Mr. Wirt then stated 'that the constitution was the supreme law of the land.' Judge Chase told him 'there was no necessity for proving that' Mr. Wirt then went on to argue 'that if the constitution was the supreme law, and if the jury had a right to determine both the law and fact of the case, the conclusion was perfectly syllogistic, that the jury had a right to determine upon the constitutionality of the law.'"

Upon this, the same testimony states, Judge Chase replied, "That's a *non sequitur*, sir."

"At the same time," says Mr. Hay, "he bowed with an air of derision. Whether Mr. Wirt," he continues, "said any thing after this, I do not recollect." Mr. Hay then detailed his own course in the argument: his urging upon the judge that this was a question for the jury—"I stated to the court, in terms as distinct as I could, the specific purpose for which I meant to contend. I think it was, that the jury had a right to determine every question which was to determine the guilt or innocence of the traverser. The judge asked me

whether I laid down this doctrine in civil, as well as criminal cases; 'because,' said he, 'if you do, you are wrong.' I replied that I considered it universally true, but that it was sufficient for my purpose, if it applied to criminal cases only. I went on as well as I was able with the argument, when I was again interrupted by the judge. What the circumstances were, or the words used, I do not recollect. I believe that I was interrupted more than twice. My impressions then being, that *I should be obliged to undergo more humiliation than I conceived necessary,* I retired from the bar. When Judge Chase found I was about retiring, he told me to go on. I told him that 'I would not.' He said 'there was no necessity for my being captious.' I replied that 'I was not captious, and that I would not proceed;' and immediately retired from the bar, and, I believe, from the room in which the court was held."

Mr. Nicholas says, after Mr. Wirt sat down, "I followed him, and was not interrupted by the judge. Mr. Hay followed me, and observed that the jury had a right to decide the law. Mr. Chase asked him whether he meant in civil as well as in criminal cases, because if he did, he was wrong. Mr. Hay replied that he conceived the proposition to be universally true—but that it was sufficient for his purpose if it applied to criminal cases. He then proceeded a little further, and was again interrupted by the judge. Mr. Hay then stopped, folded up his papers, and left the court; *and we left it at the same time.* What happened afterwards, I know not."

So, the three young lawyers trooped out of court, with their papers bundled up. Hay led the van, and young Wirt, with his laughing eye, and sly, waggish face, casting queer glances, no doubt, right and left, amongst the bar inside of the railing, and the spectators outside, brought up the rear.

This was a scene under the Resolutions of Ninety-eight. Callender, we must suppose, quailed now, on being deserted by his champions, before the awful majesty of Chase's brow. The jury, we may imagine too, were affected to indignation and anger, and the crowd moved to pity at Callender's forlorn and friendless state. The bar perhaps, indulged a little secret comment,—whispered in their sleeves, some laughing hints of miscarriage;—and the three retired counsel, after wearing the face of indignant patriotism for a limited time, when

they got together at one or the others' office, we must believe, had some rather jocular misgivings whether Callender would fare the better for this first effort at nullification; or congratulated themselves at getting out of a case that was pretty sure to go awry.

When Judge Chase came to deliver the opinion of the court, his language, in reference to the question which seems to have raised the indignation of the counsel, was as follows:

"I will assign my reasons why I will not permit the counsel for the traverser to offer arguments to the jury, to urge them to do what the constitution and law of this country will not permit, and which if I should allow, I should, in my judgment, violate my duty, disregard the constitution and law, and surrender up the judicial power of the United States.

* * * * * *

"The statute on which the traverser is indicted, enacts 'that the jury who shall try the cause shall have a right to determine the law and the fact, under the direction of the court, as in other cases.' By this provision, I understand that a *right* is given to the jury to determine what the *law is* in the case before them, and not to decide whether a statute of the United States produced to them is *a law or not*, or whether it is *void* under an opinion that it is *unconstitutional*—that is, contrary to the constitution of the United States.

* * * * * *

"I cannot conceive that a right is given to the petit jury to determine whether the statute, under which they claim this right, is constitutional or not. To determine the validity of the statute, the Constitution of the United States must necessarily be resorted to and considered, and its provisions inquired into. It must be determined whether the statute alleged to be void, because contrary to the Constitution, is prohibited by it *expressly* or by *necessary implication*. Was it ever intended by the framers of the Constitution, or by the people of America, that it should ever be submitted to the examination of a jury to decide what restrictions are *expressly* or *impliedly* imposed by it on the National Legislature? I cannot possibly believe that Congress intended by the statute to grant a right to a petit jury to declare a statute void. The man who maintains this position must

have a most contemptible opinion of the understanding of that body. But I believe the defect lies with himself."

This is a short extract from an opinion at some length, in which the question is most ably argued. Whether the concluding remark of the paragraph above quoted, was designed as a reflection personal to the counsel in the case, or not, it certainly may be regarded as discourteous, and indicative, perhaps, of some degree of temper, which we may believe to have been roused by the collision which the trial produced. If there was any purpose of reflection upon the counsel in it, we have reason to infer that it was not specially provoked by the deportment of Wirt, towards whom the judge seems to have retained the kindest feelings. Speaking of the incidents of his trial on the impeachment, soon after it was concluded, to a friend of the young counsellor, after whom he had inquired with an affectionate interest, he remarked: "They did not summon him on my trial. Had I known it, I might have summoned him myself. Yet it was only to that young man I said any thing exceptionable, or which I have thought of with regret since."

The trial of Callender took place in May, 1800. On the fourth of July following, Wirt delivered an anniversary oration, for which purpose he had been selected by the democratic party in Richmond. It is characterised by the author of the memoir to whom I am indebted for so many particulars contained in this narrative, as "fervid and rapid," "unpremeditated" in its manner, and is said to have been pronounced "so little like other prepared orations as to have been thought extemporary."

In the early period of his professional life, as we have already remarked, his elocution was far from being easy and unembarrassed. It was of that character which would be most likely to impart the idea that even a prepared oration, such as this to which the memoir alludes, was the extemporaneous production of the occasion. The hesitation at one moment, the too rapid flow of utterance at another, and frequent stammering, might leave such an impression on the hearer. Mr. Wirt, in speaking of his difficulties in this particular, once said to a friend: "My pronunciation and gesture at this time were terribly vehement. I used sometimes to find myself literally stopped, by too great rapidity of utterance. And if any poor mortal was ever forced to struggle

against a difficulty, it was I, in that matter. But my stammering became at last a martyr to perseverance; and, except when I get some of my youthful fires lighted, I can manage to be pretty intelligible now."

This was his recollection, after the lapse of many years, and was always pleasantly dwelt upon by him, as coupled with the reflection how completely he had vanquished these difficulties of enunciation, by careful attention and judicious practice.

CHAPTER VII.

1802—1803

ELECTED TO THE POST OF CHANCELLOR — VALUE OF THIS APPOINTMENT—REASONS FOR ACCEPTING IT—COL. ROBERT GAMBLE — COURTSHIP — A THEATRICAL INCIDENT — SECOND MARRIAGE — REMOVES TO WILLIAMSBURG — LETTERS TO CARR — RESIGNS THE CHANCELLORSHIP, AND DETERMINES TO GO TO NORFOLK.

In the session of the Legislature which terminated in the winter of 1802, the last of the three sessions in which Wirt was the clerk of the House of Delegates, an act was passed for dividing the Chancery jurisdiction of the State into three districts. Heretofore the whole of this jurisdiction had been vested in a single Chancellor; and the venerable George Wythe had, for a long period, discharged its duties, with a fidelity and learned skill which have placed him in the rank of the most eminent jurists of the country. The increasing business of the court, however, had now rendered it indispensable that the labour should be distributed, and the Legislature had therefore passed the act to which I have referred.

The clerk of the House was agreeably surprised, before the close of this session, to find that the Legislature had selected him for one of these new appointments. He was altogether ignorant of their purpose to confer this honour upon him, until the moment when he was requested to withdraw from the House of Delegates, in order that his

nomination might be made and the election proceeded with. He was elected by a unanimous vote. An honour of such magnitude, conferred under such circumstances, speaks very intelligibly as to the estimation in which the subject of it was held. He was at this time twenty-nine years of age. He had the professional experience of his country practice in Albemarle, and that of some two years in the more extended theatre of the Richmond courts; but he was still what might be considered a junior at the bar, and scarcely in a position to attract the public attention for a post so grave and responsible in its duties as a Chancellor, unless we suppose him to have given decided and satisfactory manifestations of a capability to attain high eminence in his profession. It had not entered into his imaginings to expect such a mark of favour from the Legislature. The same diffidence in himself which forbade him to solicit such a distinction, now wrought in him some perturbation of spirit in the accepting of it. It is not always the quality of true genius to distrust itself, for there are instances of men of the brightest parts obtruding themselves upon the public, with that eager self-commendation which we are accustomed to call vanity in weaker minds; but this attribute of diffidence is so generally the accompaniment of youthful merit, that we scarcely err when we reckon upon it as one of the signs by which we may prophesy future success. So full of apprehension was the newly-designated Chancellor on this occasion, of his ability to acquit himself in this high function with credit and usefulness, that, it is told of him, he called upon the Governor, Mr. Monroe,—then, and always afterwards, his friend, and who most probably had something to do with the nomination,—to communicate his doubts and fears as to his suitableness, either in age or acquirement, for the post. "Mr. Monroe," says my authority, "replied, that the Legislature, he doubted not, knew very well what it was doing, and that it was not probable he would disappoint either it or the suitors of the court." *

The district assigned to him in this appointment, comprehended the eastern shore of Virginia and the tide-water counties below Richmond. The duties of the station required that he should reside in Williamsburg, a point rich in associations with the history of the State, and where was to be found a cultivated and refined society, in every re-

* Cruse's Memoir.

spect most likely to prove agreeable to the tastes of the new functionary.

In adverting to this appointment and its consequences, in the following letter to his friend Carr, written after he had reached Williamsburg, he reveals the considerations which influenced him, in terms which show how justly and how deeply he was impressed with the necessity of a more sedate pursuit of those better aims in life to which I have more than once referred. It will be remarked, in the reading of the first paragraph of this letter, that Carr was desirous to obtain the clerkship just made vacant by the preferment of his friend.

WILLIAMSBURG, February 12, 1802.

MY DEAR DABNEY:

This moment I received yours of the 5th. First, with regard to the clerkship. You will have heard, before this reaches you, that on the evening preceding the last day of the session, James Pleasants was elected clerk, for the purpose of making his way easy at the next session. If, after this, you determine to offer for the place, you may expect from me *all* that the warmest friendship can perform. And though I am removed from the immediate scene of action, I flatter myself I could be of service to you.

* * * * * *

Now, for *my honour*. —— As to the profit, it is a decent maintenance. Next year, the probability is, it will be worth five hundred pounds,—on which I can live. And although the clerkship, together with my practice, would have produced more cash, yet it was precarious, and therefore subjected me to the hazard of living beyond its limits. It was earned, too, by that kind of labour which left no opportunity for the further cultivation of the mind.

There is another reason, *entre nous*. I wished to leave Richmond on many accounts. I dropped into a circle dear to me for the amiable and brilliant traits which belonged to it, but in which I had found, that during several months, I was dissipating my health, my time, my money and my reputation. This conviction dwelt so strongly, so incessantly on my mind that all my cheerfulness forsook me, and I awoke many a morning with the feelings of a madman.

I had resolved to leave Richmond, and was meditating only a decent pretext to cover my retreat. In this perplexity, the appointment descended upon me, unsolicited, unthought of, with the benevolent grace of a guardian angel. Yes, my dear Dabney, if I do not fill the office with justice, at least, to my country, it shall not be for want of unremitting effort on my part.

* * * * * *

Your friend,

WM. WIRT.

The Chancellor entered upon his employment, as we may infer from this letter, with a hearty resolve to make this event an era from which he might date the beginning of a graver and more steadfast career of duty and self-control.

During his residence in Richmond, his good fortune brought him into an intimacy with the family of Colonel Robert Gamble. This gentleman was a merchant in that city, and was greatly esteemed for his probity and intelligence. He was wealthy, or, at least, in the enjoyment of a competency which enabled him to practise a liberal hospitality. His fireside was familiar to the most cultivated society of the time. His manners were grave and thoughtful, such as attract the deference of the elder portions of the community, and command the reverence of the young.

The clerk of the House of Delegates had a special motive, beyond that of his companions who frequented Colonel Gamble's house, to desire his good opinion. His unguarded life, unfortunately, rendered this, perhaps, a more hazardous venture, than many others found it. His intimacy brought him within the sphere of the attraction of one who was destined to become the guardian spirit of his life. It was not long after the period to which our narrative has now arrived, that Elizabeth, the second daughter of Col. Gamble, became the wife of the subject of this memoir. Of all the fortunate incidents in the life of William Wirt, his marriage with this lady may be accounted the most auspicious. During the long term of their wedlock, distinguished for its happy influence upon the fortunes of both, her admirable virtues, in the character of wife and mother, her tender affection and watchful solicitude in every thing that interested his domestic regard, and in all that concerned his public repute, commanded from him a devotion which, to the last moment of his life, glowed with an ardour that might almost be called romantic.

In the many letters which have been preserved, written by Mr. Wirt to his wife, beginning in the earliest period of their acquaintance, and continued to the last, most of which have passed under the review of the author of this biography,—if such confidences could be published to the world, they would exhibit to the reader the most agreeable evidences of an attachment of which time had no power to dull the edge, and which not less intensely engrossed the affections

of his mature age, than it commanded the worship of his early manhood. No eulogy can better express the merit of a woman, than such a tribute from one so able to observe, and so formed to appreciate female excellence.

This prize was not won without many apprehensions. The lover had not yet given that hostage to fortune which might be said to strengthen the assurance of the father in the success of the young votary.

The giving away a daughter's hand is a perilous and responsible office to a parent. Men weigh this matter, often, with painful anxiety, even when the foundations for hope are strongest. The clerk of the House, we must admit, was not in the safest category for a father's ready consent. There are some men who ripen early, and, at eight or nine and twenty, have their full freight of discretion and judgment. There are others whose boyhood runs into a later date. Wirt was one of these, as they who were intimate with him in advanced life might testify. A certain boyishness of character, if I may call it so, did not altogether desert his mature age, and, indeed, often disputed the mastery in it.

Colonel Gamble, the story goes, had his doubts whether the suitor should be presently sped in his enterprise, or whether he should wait for a longer probation. When he was consulted by the misgiving candidate on that awful point, "to be, or not to be," there was some demur, and the young gentleman was put upon his good behaviour.

During this interval, as the tale has been told, Colonel Gamble had occasion, one summer morning, at sunrise, to visit his future son-in-law's office. It unluckily happened that Wirt had, the night before, brought some young friends there, and they had had a merry time of it, which had so beguiled the hours, that even now, at sunrise, they had not separated. The Colonel opened the door, little expecting to find any one there at that hour. His eyes fell upon the strangest group! There stood Wirt, with the poker in his right hand, the sheet-iron blower fastened upon his left arm, which was thrust through the handle; on his head was a tin wash-basin, and, as to the rest of his dress—it was hot weather, and the hero of this grotesque scene had dismissed as much of his trappings as comfort

might be supposed to demand, substituting for them a light wrapper that greatly added to the theatrical effect. There he stood, in this whimsical caparison, reciting, with an abundance of stage gesticulation, Falstaff's onset upon the thieves. His back was to the door. The opening of it drew all attention. We may imagine the queer look of the anxious probationer, as Colonel Gamble, with a grave and mannerly silence, bowed and withdrew, closing the door behind him without the exhange of a word.

How long this untoward incident might have deferred the hopes of the young people, we cannot say; but the promotion to the Chancellorship came in, most opportunely, to sustain the pretensions of the lover, and to furnish a new pledge for his future sedateness; and all further trial was dispensed with. He was married in Richmond, on the 7th of September, 1802.

He held the Chancellorship but some six or seven months after his marriage. The duties attached to it were onerous, exacting nearly all his time, whilst they excluded him from that various practice upon which he had built his hopes of eminence. The salary was too small to meet the demands of a family, and at his time of life he felt that such a post was to be regarded rather as an impediment to his progress than a furtherance. The chief advantage to be derived from it was the testimony it gave to the world of his standing in his profession, and that benefit was not likely to be greatly enhanced by his continuing to hold it. A judicial appointment, in this country, may justly be regarded as the appropriate honour of professional life after the active period of ambitious labour is past. It is best adapted to that stage when men may be supposed anxious to exchange the severer toils of practice for honourable elevation, and for the leisure that may enable them to digest and improve the studies which, in the importunities of full occupation at the bar, generally produce fruits more abundant than ripe. But to a young lawyer, stimulated by the hope of fame and by the ardour of genius, intent upon mastering his profession and turning it to good account in the attainment of wealth, such an appointment is but a hindrance at every step after the first.

These considerations were brought very cogently to his mind in the position in which he now found himself. In the month of November he removed his wife to Williamsburg, and devoted himself throughout

the ensuing winter with assiduity to the duties of his office. During this period he made up his mind to relinquish his judicial honours, and to throw himself once more upon his profession. The public attention was at that time strongly drawn to Kentucky, as a field especially propitious to the enterprise of the young. Numbers of the most respectable families of Virginia had already migrated to that State, and the marvels of its rapid growth and teeming prosperity were recounted with such commendation as to raise a general fervour in behalf of settlement in this El Dorado of the West. We have since become familiar with these charms of western adventure, and have seen the vast wilderness beyond the Allegany spring into civilization, refinement and luxury, with an impulse that even transcends all that the excited imagination of the day to which our narrative refers ever promised. At that time, however, the promise was mainly directed to Kentucky, and thither the tide of emigration from Virginia and the other central States chiefly tended.

Wirt was caught by this common fervour, and began seriously to meditate upon a removal to the new country. Friends in Kentucky urged him to come, painting to him in glowing colours the success and advancement that awaited him. Friends in Virginia advised him to go, seconding and confirming all the arguments which the first had used in the way of inducement. There was, however, one richly deserving the name of a true and generous friend, who advised a contrary resolve, and entreated him to remain in Virginia. This gentleman was Littleton Waller Tazewell, then a most prominent member of the Norfolk bar, and subsequently greatly distinguished throughout Virginia and the Union as one of the leading lawyers and politicians of that State. His advice to Wirt was to adhere to that society in which he had already experienced so much favour, and to establish his hopes of advancement upon the exercise of his talents at the bar of Virginia. To enforce this solicitation, Mr. Tazewell offered to share with him his own practice in Norfolk, and to throw in his way every advantage which his legal connections might put at his disposal. The letters which follow to his friend have a reference to these questions, amongst others, which are debated with a pleasant mixture of good sense and gaiety of temper particularly characteristic of the writer.

TO DABNEY CARR.

RICHMOND, February 13, 1803.

CARISSIME CURRUS:

* * * * * *

This honour of being a Chancellor is a very empty thing, stomachically speaking; that is, although a man be full of honour his stomach may be empty; or, in other words, honour will not go to market and buy a peck of potatoes. On fifteen hundred dollars a year, I can live, but if death comes how will my wife and family live? Her father and mother perhaps dead, her sisters and brothers dispersed to the ends of the earth, what will become of her? This is the only rub that clogs the wheels of my bliss, but it is in my power to remove even this rub, and, in the event of my death, in a few years to leave my wife and children independent of the frowns or smiles of the world.

What I have to ask you, then, is, shall I, for the sake of a little empty honour, forego the pleasure of this independence? a pleasure which would soothe me even in the hour of death; or shall I, for the sake of attaining this blessed independence, and the contentment and dignity of mind which belong to it, renounce at once the starving honour which I now possess? You may see, from the terms in which I state the case, that my own mind is in favour of the latter renunciation. Nevertheless, it would give me great satisfaction that my friends, too, approved of my plans.

The counsels of my friends in Virginia and Kentucky, press me with fervour to the latter country. There is an uncommon crisis in the superior courts of that State, and I am very strongly tempted to take advantage of it. I would go to the bar, and bend all the powers of my soul and body to the profession for fifteen years. In that time, I have no doubt, I should have amassed a sufficiency of wealth, to enable me to retire into the lap of my family, and give up my latter days to ease.

In the course of my business there, too, it would be my study so to unite my dignity with my interest as, in my old age, to be able to lead my sons (if I am blessed with sons) upon the theatre of life, so as to pre-engage for them the respect and confidence of the world, that they might never blush at the mention of their father's name, unless it were a blush of reflected honour and virtuous emulation. These are the scenes which dance before my delighted imagination, which I believe by no means chimerical; on the contrary, if I enjoy my natural health, I have no doubt (from the actual experience of others in the same State) of my ability to realize them. Such is the prospect on one hand. On the other, it is possible that I may, like Mr. Wythe, grow old in judicial honours and Roman poverty. I may die beloved, reverenced almost to canonization by my country,

and my wife and children, as they beg for bread, may have to boast that they were mine. Honour and glory are indeed among the strongest attractions, but the most towering glory becomes dust in the balance when poised against the happiness of my family.

If you think it right that I should resign, the questions which remain are, when shall I do so, and in what country shall I resume the practice of law?

As to this *when?* I am thirty years of age; fifteen years more will make me forty-five. In my opinion, a man of forty-five ought to be able to work or play as he pleases. I have no notion of toiling on till I am too old or too infirm to enjoy even retirement:—so that I have no time to lose.

As to the *where?* In Virginia, the most popular lawyer in the State merely makes the ends of the year meet,—I mean Edmund Randolph. I have this from the gentleman who keeps his books. Virginia, therefore, is not the country for my purpose. The federal city is not to my taste, or interest. It would require too much time there to take root. In the soil of Kentucky, every thing flourishes with rapidity. Besides, I love the ardent character of the State; and, moreover, it is a country calculated to give a man his choice of modes of life. Land being cheap and fertile, he may farm it on his country-seat, or dash away, when his wealth will authorise it, in the circles of the gay, or float his commercial speculations down the Mississippi. This latter view of the subject is meant to apply to the various views of those to whom I shall, with the blessing of heaven, give my name.

Pray let me have your thoughts at large on this subject.

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Heaven preserve you,

Your friend,

WM. WIRT.

TO DABNEY CARR

WILLIAMSBURG, March 20, 1803.

* * * * * * *

You speak of my removal to Kentucky like a friend. The separation from many who are dear to me will be painful. It is a pain which I seem to have been destined to suffer more frequently than almost any body else equally fond of friends. From the time I first left my native roof (at the age of seven) I have lived nowhere, except merely long enough to let my affections take a firm root, when, either want or calamity has torn me up, and wafted me into some strange and distant soil. Eight or ten times I have experienced this fate:—and although a separation from those whom I love and who love me, however often repeated, would still be painful, I derive comfort from

the thought that my stars have never yet thrown me upon a soil too cold or barren for friendship and love. And besides, were I to remain here, I should be almost as much lost to you and my other beloved friends in Albemarle, as if I were on the banks of the Ohio. I owe you, my dear friend, a detail of the reasons which actuate me in this measure, and I render it with pleasure.

If I had nothing else to consider but the immediate support of my family, I should be obliged to resign my Chancellorship. Although you cry out "qui fit Mecænas," it is not caprice, but the iron hand of want, which impels me to this resignation. It is true that by rejecting every social advance from the inhabitants here, which I should be obliged to do, since I could not return them; by immuring myself, from day to day and forever, within the solitary walls of my own house, my salary might be sufficient to purchase bread and meat, and such raiment as such a life might require; but these are conditions which I choose not to impose either on others or myself. Another consideration, replete with terror, is that, as my salary depends on my own life, my death would throw my wife and children on the charity of a cold and selfish world. All these things considered, and also that I am now in the prime of life, I would ask whether it would not be mean, little, and worthy of eternal infamy, to sit quietly down against the light of conscience, and see these misfortunes coming upon me, one after another, in direful succession? Would you think a man worthy of your friendship who should be capable of such disgraceful indolence?

The resignation of the Chancellorship becoming thus inevitable, the only remaining question is, where shall I resume the practice of my profession? The answer clearly is, in that country where I can, with most certainty, achieve the object for which I resign. That is, a support for my family, independent of the world and of my own life. You understand me. This is a question which I have deliberately considered—not in the delirium of a Kentucky fever, "hissing hot, Master Brooke," but with all the scrupulous, conscientious coolness of which my mind is capable.

You ask, why quit the State which has adopted, which has fostered me, which has raised me to its honours? It is the partiality of your friendship which puts this question. I am sure that it is very immaterial to Virginia where I reside.

* * * * *

I throw this point entirely out of the question, and consider simply the interests of my family: to this I am determined that every feeling of private attachment and prepossession for Virginia shall bend. Knowing, as I have done experimentally, the agony to which the want of wealth, or at least independence, exposes any mind not devoid of sensibility, it becomes a point of conscience, in the first place, and

soon an object of pleasurable, of delightful pursuit, to shelter those who are dear to me from all danger of the like torment. Having once effected this purpose, death, who would be to me now a king of terrors indeed, would become merely a master of ceremonies to introduce me into the apartments above.

You ask me how many you could name who are now amassing at the bar, in this country, wealth as fast as their hearts can desire, or quite fast enough? I answer, I don't know how many you could name. W., it is true, made a fortune.—— C. is also making a fortune.—— With the exception of these two, there is not another individual who has hitherto done this at the bar of these courts, or who is now in the way of doing so. I am not sure of John Taylor of Caroline. He, however, practised at a most auspicious period; such a one as does not now exist. Baker, Innes, Pendleton, Wythe, Marshall, Washington and others,—what have they made *by the profession?* Not more than the most ordinary lawyer in Kentucky is able to do in five or six years.

* * * * *

Between ourselves, I was thirty years old the eighth day of last November. Have I any time to lose? and, considering "the uncertainty of life and the certainty of death," is it not the highest wisdom to improve every flying moment to the best advantage? Ten years of life would do but little here. In Kentucky, they might and probably would make my family affluent.

For the first time in my life (and with shame I confess it) I look forward, my dear Dabney, with a thoughtful mind, and a heart aching with uncertainty, to the years that lie before me. I cannot abide the reflection that the time shall ever come when my conscience shall reproach me with having neglected the interests and happiness of my family; with having involved, by my want of energy and enterprise, a lovely and innocent wife, with a group of tender and helpless children, in want and misery.

* * * * *

But Hope, like an angel of peace, whispers to my heart that this shall not be. She does, indeed, sketch some most brilliant and ravishing scenes to my waking as well as sleeping fancy. Wealth, fame, respect, the love of my fellow-citizens, she designs with the boldness and grandeur of an Angelo, while, with all the softness and sweetness of Titian's pencil, she draws my wife and a circle of blooming, beauteous and smiling cherubs, happy as innocence and peace and plenty can make them.

* * * * *

Your friend,

WM. WIRT.

The Chancellorship was resigned in May, 1803, and the project of the emigration to Kentucky abandoned. Wirt now determined to take up his abode in Norfolk, in accordance with Mr. Tazewell's advice, although, for the present, he still resided in Williamsburg.

TO DABNEY CARR.

RICHMOND, June 6, 1803.

* * * * * * *

Well, sir, you have heard that I have disrobed myself of the Chancellor's furs, and I feel much the cooler and lighter for it. Not but that there was some awkwardness in coming down to conflict with men, to whom, a few days before, my dictum was the law. The pride was a false one, and I revenged myself on it. I feel little triumph in being thus able to get out of myself, to survey, from an intellectual distance, the workings of my own heart, to discern and to chastise its errors.

The man who can thus make an impartial and candid friend of himself, has gained a great point in the reformation and perfection of his character.

Thus it is that a man balances the account of his feelings; mortification presents her charge, and vanity raises a countervailing item.

You are aware that I am already done with the Kentucky project. I heard, very lately, that there was no *cash* in that state; that fees were paid in horses, cows and sheep, and that the eminence of their lawyers was estimated by the size of their drove, on their return from their circuits: while, on the other hand, I was drawn to Norfolk by the attractions of her bank.

The single experiment which I have made, justifies this latter move. I have been to one District Court, at the town of Suffolk, received cash two hundred and eleven dollars, and received other business, from substantial merchants, making the whole amount of the trip five hundred and twenty-eight dollars, which I consider as no ill omen of my future success. In one word, I am assured, and I have every reason to believe it, that my annual income will be twelve hundred pounds, on one-half of which I can maintain my family, even were it much larger than it is. Two or three years' practice will put me in the possession of cash which, in such a place as Norfolk, I shall be able to turn over to the greatest advantage; and, all things considered, I do not think the hope extravagant, that by the time I am forty, or, at farthest, forty-five, I shall be able to retire from the bar, in ease and independence, and spend the remainder of my life in the bosom of my family, and in whatever part of the country I please,—

so that I think it not improbable I shall, at last, lay my bones near you, in the county of Albemarle.

* * * * * * *

I leave this place to-morrow.

Adieu, my dear friend,

WM. WIRT.

CHAPTER VIII.

1803.

COMMENCES PRACTICE IN NORFOLK.—PROFESSIONAL SUCCESS.—LETTER TO POPE.—COMMENTS ON THE PARSIMONY OF JUDICIAL SALARIES.—BIRTH OF HIS ELDEST CHILD.—RELIGIOUS SENTIMENTS. — TRIAL OF SHANNON. — SINGULAR CASE OF CIRCUMSTANTIAL EVIDENCE.—REMOVES HIS RESIDENCE TO NORFOLK.

AFTER the resignation of the Chancellorship, Wirt repaired to Norfolk to recommence the practice of the law in that borough. His family residence, however, was still kept up at Williamsburg, and was not changed until the ensuing winter.

His reputation, increased by his late official position, now began to bring in to him a full harvest of professional fruits. He found himself at once inducted into what, at that day, was termed a large practice, and it was manifest that he was rising rapidly to a commanding eminence at the Virginia bar.

Amongst the letters of this period I find one which dwells, somewhat in detail, upon his progress in his profession, and contains some strictures upon the policy of the State Government in reference to judicial salaries. These strictures have not lost their point at the present day, and may be read with profit in other sections of the United States than Virginia.

This letter is written to one of the first and best of Wirt's friends in that state. The name of William Pope will frequently occur in these pages connected with a familiar and playful correspondence. This gentleman, now an octogenarian, still survives to attract the regard of a large circle of friends, whose most cherished recollection of

him invariably associates him with the memory of the subject of these memoirs.

He resided, at the date of this correspondence, as he does at the present time, (1848,) at Montpelier, his family seat in Powhatan—a central point between Richmond and Albemarle, somewhat famous of old for the good-fellowship attracted by its worthy proprietor.

TO WILLIAM POPE.

RICHMOND, August 5, 1803.

MY DEAR SIR:

* * * * * *

It gives me pleasure to find that my resignation is not disapproved by my friends. To me, the measure was indispensably necessary. The present subsistence and future provision of my family depended on it. I only wish that it may lead the way to some resignation whose inconvenience the State would sensibly feel. Such an event would bring our fellow-citizens to their senses on the subject of salaries. To be sure, in a republic, public economy is an important thing; but public justice is still more important; and there is certainly very little justice in expecting the labour and waste of a citizen's life for one-third of the emoluments which he could derive from devoting himself to the service of individuals. Most surely there is no ground on which such a sacrifice could be justly expected, except, indeed, on the ground of public necessity. If Virginia were too poor to pay her officers, it would then become patriotic, indeed it would become a duty, to make this sacrifice to the country's good. But as it is merely *the will* and not *the power* that is wanting, it is out of the question to expect that a man should make a burnt-offering of himself, his wife and his children, on the altar of public avarice or public whim. It is really humiliating to think, that although these plain truths will be acknowledged by any member of the Legislature to whom you address them in private, yet there is scarcely one man in the House bold enough to vote his sentiments on the subject, after a call of the yeas and nays:—he will not dare to jeopard his re-election by such a vote. Where is the difference between an Assembly, thus unduly influenced, and the National Assembly of France, held in duress and impelled by the lawless shouts of a Jacobinic gallery? Would a Cato or a Brutus, in the Roman Senate, even have suppressed, much less belied, his real sentiment from a fear of public censure? Or is public virtue a different thing now from what it was in their time. But the best of human institutions have their defects,—and this is one of those which cleave to the glorious scheme of elective government. In all cases, whatever may be his own opinion, the representative seems to think himself a mere mirror to reflect the will of his constituents, with all its flaws, obliquities and

distortions. Even when he knows that it will injure the country, he will but echo the popular voice, with the single motive of retaining his ill-deserved office rather than offend the people by honest service. This brings to my recollection that Roman Consul who was sent to oppose Hannibal. He was pressing the Carthaginian sorely, when his enemies at Rome, envious of the glory which he was about to gain, procured a peremptory mandate by which he was required immediately to lay down his commission and appear at Rome to answer a criminal impeachment. But he saw that a few days more of service would deliver his country from the invader, and therefore, neither indignant at his country's ingratitude, nor appalled by her menaces, he dared to disobey. Hannibal was vanquished,—Rome was saved, and a triumph was decreed to the disobedient victor. What member of our Assembly is like this consul?

I am very much obliged, by the friendly apprehensions which you express for my health, on account of the climate of Norfolk. But I believe that Norfolk is not at all dangerous, except in the latter end of August, September, and the beginning of October; and during these months, I shall be able to leave the place without any material injury to my revenue. The prospect which it holds out to me, is flattering in the highest degree. I am already engaged in very productive business in five courts; so that you will perceive my plan is now too broad to admit of the enlargement which you so kindly propose to me. I am very sanguine that, with the blessing of Providence, I shall be able to retire from business in ten or fifteen years, with such a fortune as will place my family, at least, above want.

* * * * * *

And how do you prosper, my good friend? Does fortune flow in upon you in a golden deluge? I hope it does. Good men only deserve to be rich, because they only are disposed to employ their wealth for the good of the world. But things in general take a different turn, and none grow rich but the selfish and the sordid. Our friend B——, however, is an illustrious exception to this remark. A more feeling, a more benevolent, a more philanthropic heart never palpitated in the bosom of a man. I love him because he makes no parade of his sympathies. He is good, and kind, and tender in secret; and he is satisfied with the silent, yet genial approbation of his own heart. But, because he is not a scribe or pharisee, to stand in the market and crossways to render ostentatious charities, and because he still thrives and prospers, the malignant world has slandered him as selfish and miserly.

* * * * * *

I beg you to give my sincere and fervent love to him. Remember me, also, if you please, to that excelleut little fellow, Q——, and believe me, dear Pope,

Your friend,

Wm. Wirt.

On the 3d of September, within a few weeks after the date of this letter, Wirt's eldest child, Laura Henrietta, was born.

This event awakened his feelings to new resolves in the way of duty, and, what is worthy of note, to a more full and open recognition of those sentiments of religious faith to which I have heretofore adverted, and in the gradual development of which, throughout the progress of his life, we shall see a natural and agreeable illustration of the tendencies of a highly intellectual mind to seek for its security and content in the sacred wisdom of Christianity.

We have a strong evidence of this conviction in a letter to Mrs. Wirt, written to her in Richmond, whilst her husband was employed in the duties of his profession at Williamsburg. In submitting a few extracts from this letter, I must express the reserve I feel against the violation of those confidences which belong to a relation that, of all others, is least suited to the exposure of its secrets to the world. The free utterances of the heart, in such a relation, may very rarely and scantily afford a theme for public comment, even with the most delicate caution in the disclosure. To bring them within the confines of what is due to the proper office of biography, much must necessarily be omitted; and, in regard to that which is given, the reader will receive it with the allowance which may justly be claimed for communications which were never designed for perusal beyond the family hearth, or to encounter a remark that was not suggested by the nearest and most affectionate sympathy with the writer.

I may hereafter have many extracts to make from this portion of Wirt's correspondence, and I therefore announce, in advance, the consideration which shall induce me to withhold much more than I submit, and which I hope will equally relieve me from the imputation of improperly invading the sanctuary of private affection, and what I may offer from the criticism of fastidious readers.

On the present occasion he writes:

* * * "Your reason will forbid you to lament my absence too deeply, when you reflect what it is has carried me away. It is not misfortune; but, strong in health, flushed with hope, and animated by the consciousness that I am in the discharge of my duty, I go to prepare more prosperous days. * * * * This is the reflection which, with the smile of Heaven, shall not only sup-

port me through fatigue, but sweeten all the toils of my profession. How rugged would the path even of duty appear; how fruitless, how solitary, how disconsolate would even prosperity be, if I alone were to taste it! It is the thought that my wife and children are to share it with me— * * * These are the fond ideas which possess my soul; which never fail to smooth my brow in the midst of tumult, to speak peace to my heart, and to scatter roses over my path of life.

* * * * * *

"How much do I owe you! Not only the creation of my hopes of happiness on earth, but the restoration of my hopes of happiness in a better world. * * * I must confess that the natural gaiety of my character, rendered still more reckless by the dissipation into which I had been allured, had sealed my eyes, and hidden from me the rich inheritance of the righteous. It was you, whose example and tender exhortations rescued me from the horrors of confirmed guilt, and taught me once more to raise my suppliant mind to God. The more I reflect on it, the more highly do I prize this obligation. I am convinced, thoroughly and permanently convinced, that the very highest earthly success, the crowning of every wish of the heart, would still leave even the earthly happiness of man incomplete. The soul has more enlarged demands, which nothing but a communion with Heaven can satisfy. The soul requires a broader and more solid basis, a stronger anchor, a safer port in which to moor her happiness, than can be found on the surface of this world.

* * * * * * *

"Remembering how often Heaven snatches away our idols, to show us the futility of sublunary enjoyments, and to point our thoughts and affections to a better world, I pray that its kindness would so attemper my love for my wife and her child, as not to destroy the reflection, that for them, as well as every other blessing, I depend on the unmerited beneficence of my God; and never to permit my love for them to destroy my gratitude, my humble dependence on the Father of the Universe, whose power is equalled by his parental kindness and mercy.

"How should I be laughed at if this letter were read by those who were once my wild companions! How should I be envied if they

knew the sweet feelings with which I have poured out these reflections, warm from my heart!"

Constitutionally gay and light-hearted as the author of this letter always was, even to the latter days of his life, and noted in youth for what might almost be deemed the excess of this temperament, these evidences of his graver thoughts and feelings cast a mellow tint over his character, and furnish an early presage of the predominating hue which distinguished it in the evening of his career.

He was, about this time, concerned in the trial of a cause in Williamsburg, together with his friend Tazewell and Mr. Semple, (a gentleman who was afterwards promoted to the bench,) as counsel for a man by the name of Shannon. This case is only remarkable as a curious instance, both of the conclusiveness of circumstantial evidence, and the uncertainty of the verdict of a jury, when perplexed by the eloquence of adroit counsel.

Shannon was arraigned for the murder of his father-in-law, who had been shot at night, in his own house, through the window. No motive was known to exist for the deed; the murderer was unknown; and the circumstances of the case almost defied investigation. The death was produced by buckshot. The morning after the murder, whilst the neighbours, and such others as the rumour of the deed had brought together, were examining the premises, to find some clue to the discovery of the assassin, and had come almost to the point of abandoning the inquiry as hopeless, one amongst them, a man somewhat noted for his shrewdness in curious investigation, placed himself in what he concluded must have been the post occupied by the murderer when he shot was fired; then, examining along the line of the direction of the fire, he discovered a small piece of letter-paper, which manifestly, from the mark of powder and fire upon it, must have been part of the wadding of the gun. This paper had a single letter, *m*, written upon it, and torn from the word to which it belonged. About the moment when this discovery was made, some one remarked that Shannon, the son-in-law, had not been present that morning. His absence on such an occasion was thought strange; and, forthwith, a general inquiry was made after him. With no stronger ground for suspicion than this fact, a search was immediately made to ascertain where he was. He dwelt on the opposite side of James River, some seven or eight

miles distant; but it was proved that he had been in Williamsburg the day before, with a gun which was without a lock. A blacksmith, who gave this testimony, stated, moreover, that Shannon had brought the gun to him to be repaired, and he not being able to repair it that day, it was taken away in the condition in which it was brought. A party now set out for Shannon's house. He was not there: he had not been there during the night. They pursued their quest, and found him at last, thirty miles off, in a tavern, asleep, with his clothes on. Upon being arrested and examined, a few buckshot were found in his pocket, and a letter with one corner torn off, to which the fragment picked up at the house of the deceased was applied, and found to fit, coupling the letter *m* with *y*, and showing its proper relation in a written sentence. These facts, it seems, were not strong enough to persuade the jury of the guilt of the prisoner. One of the twelve, more scrupulous than the rest, or, we may infer, more susceptible to the influences of the specious eloquence of counsel, who were, doubtless, very *ingenious*, as the phrase is, in the defence of the suspected culprit, "hung out," and, as a consequence, starved out his compeers, and so brought them to the confession that they could not agree; and they were accordingly discharged, and Shannon was allowed to go forth unmolested, to claim the benefit of his successful speculation.

Wirt appears to have excited great expectations as the counsel in this case. The court-house at Williamsburg was thronged with visiters,—a large number of ladies amongst the rest,—and his speech in the case is remembered as one of the best of his early displays at the bar.

In a letter to his wife, written when this trial was about to come on, 29th Sept. 1803, there is the following reference to it:

"Only one Judge to-day—Winston. Parker is expected to-night.

* * * * * * *

"The gallery was full of ladies, expecting to hear (as C. tells me) Mr. W—— defend Shannon.—'Vain creature!' say you.—Vain enough; but not on this account. The man who knows and feels his own foibles, and can draw off from himself so far as to make a proper estimate of his own imperfections, will not be hurt by the flatteries of others

* * * * * *

"What do you think of Shannon's gallantry? Although in irons and chained to the wall and floor, he has made a conquest of the gaoler's wife, and she has declared her resolution to petition for a divorce from her husband, and follow Shannon, if he is acquitted, to the end of the world."

* * * * * *

In the month of December, Wirt took a house in Norfolk, and by the commencement of the new year, 1804, he removed his family thither, to make it, for the future, his permanent abode.

CHAPTER IX.

1803—1804.

THE BRITISH SPY. — ENEMIES MADE BY IT. — LETTERS TO CARR, WITH SOME ANECDOTES CONNECTED WITH THE PUBLICATION OF THE SPY.—HIS OPINION OF THAT WORK.

WIRT now appears in the character of an author. During the month of August, 1803, he commenced the letters of The British Spy. They were published in September and October, in "The Argus," at Richmond.

The popularity of The British Spy, had scarcely a parallel in any work, in the same department of letters, which had, at that date, been contributed to American literature. It may be regarded as having conferred upon its author a distinct and prominent literary reputation.

The reader of these letters, at this day, will express his surprise that the public judgment should have given such weight to a production so unlaboured, and so desultory. He will not fail to perceive, it is true, in these essays, an agreeable foretaste of high literary accomplishment; but he will regard this rather as the earnest of a talent to achieve a distinction in letters, than the achievement itself; and he will find occasion, in the singular success of this little book, to remark how eagerly the taste of this country was disposed, at that period, to welcome any clever effort to contribute even the lightest

donation towards the increase of our small stock of national authorship.

These letters are written in a polished and elegant style, exhibiting, very notably, a most accurate study and appreciation of the best standards of English literature. They deal with such topics of superficial observation as a casual residence in Virginia, and particularly at Richmond, might be supposed to supply to an educated foreigner. The distinctive traits of Virginia society, manners, opinions and popular institutions, are glanced at with a happy facility of observation; some geological questions are discussed with an acuteness of remark and fullness of information which demonstrate that the science to which they refer was a favourite study of the author. But the chief topic, and one which, it is evident, furnished the predominant motive to the writing of the letters, is that which leads him to a dissertation upon modern eloquence, and the illustration of it by a picture of some of the leading lawyers of Virginia. To this theme he had obviously given a careful study, and sought to embody its conclusions in these letters. He performs this duty with the love of a student expatiating on his chosen pursuit. The British Spy may, in this respect, be considered as the treatise "De Oratore" of one who was no small proficient in the art, and, in that light, may be read with profit by every aspirant to the honours of the public speaker. He who does read it will regret that a master who could so happily instruct, has not, at greater leisure, with larger scope and at a maturer period of his life, given to the world a volume on this topic enriched by his own varied experience and profound philosophy.

The success of these letters astonished no one more than their author. They were written rapidly, and committed, almost as soon as written, to the columns of a newspaper, where they appeared with every blemish and imperfection to which such a medium of publication was liable. Although a studied concealment of the authorship was preserved, during the period of publication and for some time afterwards, this did not protect the writer either from vehement suspicion at first, nor from the final determination of the paternity of the book by the community.

In some of the portraits which the author drew of his contemporaries at the bar, he is said to have given offence, and to have brought

upon himself threats of reprisal. At the present time, so remote from that which witnessed these agitations, we marvel that comments, so little derogatory to the personal excellence of the subjects of them — which, in fact, rather infer and sustain their reputation, as men sufficiently prominent to form examples and studies — that these should have embittered any one against their author. It is, nevertheless, true, as we shall see in some of the correspondence of this period, that the author did not escape without making enemies by his book.

It is pleasant to know, however, that these enmities were not long-lived, and that some of the most intimate friends and associates of Mr. Wirt's subsequent days were those with whom he was supposed to have too freely dealt in the letters.

The asperities which arose out of this publication did not check the author in the career of his humour, nor disturb his equanimity. Nor did they disable him from his defence, as may be seen from the perusal of the volume.

Extensive as was the popularity of this small work at the time of its first appearance, it is but little read at the present day. Forty years bring a severe test to the quality of any book. They are generally fatal to the million of light literature. There was a time when few libraries in this country were unsupplied with a copy of the British Spy. It is not so now. The overteeming press pours forth its stream with such torrent-like rapidity and fulness, that the current has well-nigh swept away the light craft of the last generation—even such as were supposed to be most securely moored. We must look for them now only in those nooks and occasional havens where the fortunate eddy has given them shelter against the pressure of the flood. The British Spy is still worthy to be refitted and thrown once more upon the wave.

The two following letters to Carr furnish some pleasant anecdotes connected with the production of this little book. In the second of the two, the reader will mark some new aspirations towards literary enterprise, agreeably mixed up with some details of professional occupation, and with a grave dissertation upon a subject of growing importance in the mind of the writer.

TO DABNEY CARR.

NORFOLK, January 16, 1804.

MY DEAR AMINADAB:

Yours, of the 31st ult., reached me by the last mail. I am rejoiced that this silence is at last broken. I was several times on the point of breaking it myself, although, as you acknowledge, you were a letter in my debt; but some perverse circumstance always thwarted the intention. Indeed, like Martha, I have been busy about many things; though I hope that, like Mary, I have chosen the better part.

This is Sunday, so you must allow me to be a little scriptural. But waving with you the *why* and the *wherefore*, I rejoice at this resurrection of our correspondence, and I trust that no wintry circumstance will ever again occur to suspend its pulse of life even for a moment. Mark, sir, how metaphorical I am! But, in plain and sober earnest, I look to you as one of those few well-tried and dearly-beloved friends who will often relax my "brow of care," and checker, with soft and genial light, the dusky path of life. I look forward, with a kind of plaintive pleasure, to the period when, after my bones are in the grave, my children, in turning over my old letters, will meet with yours and my dear Peachy's,* and, with eyes swimming with tears, hang over your warm and affecting expressions of love and friendship. It is this that touches my heart; it is this pathetic prospect, connected with the present enjoyment of your intercourse, that fortifies me against the chances of the world, and new strings my system for the labours of my profession. But for the domestic joys which encircle me, and the conviction that I have a few valuable friends by whom I am known and beloved, I should be the poorest wretch for business that ever groaned upon the earth. How can men toil as I see them doing here; business in their heads, business in their hearts, business forever in their faces, without one palpitation to tell them what love and friendship mean? Not, my dearest sir, that I would turn my back on any business, however herculean, but I must unbend and refresh whenever the voice of pure affection calls me. Often, my dear Dabney, may yours call me! You will find my heart ever ready to echo you.—But to answer you, in order.

I come, in order, to a certain author y'clept the British Spy. I shall not be either so unfriendly or so childishly affected as to deny the brat to be my own. To the world, however, I do not choose to make any such proclamation, for divers obvious reasons. Indeed, I gain nothing by this silence. The *thing* is as generally and confidently imputed to me, as if my name were in the title-page. For

* Mr. Peachy Gilmer, an elder brother of Francis Walker.

you are to understand that, very far beyond my expectations, the printer has found it his interest, not only to bind it up in a pamphlet, but to issue a second edition. It is meet that I give you some account of the rise and progress of this affair.

I was in Richmond, attending on a business with whose painful anxieties experience has made you acquainted. It was to divert my own mind, during this period of uneasiness and alarm, that I began to write. But after the project was thus started, I will acknowledge to you, my friend, that there were secondary considerations which supported and warmed me throughout the enterprise. I was gratified by the encomiums which were generally pronounced on the composition, and I was still more delicately gratified in observing the pleasure with which my wife heard those encomiums. I was flattered by the circumstance that, while the world applauded, it concurred in imputing the production to me; and this without any other evidence than that of the work itself. For the imputation proved, at least, that the world had not a disadvantageous opinion of my understanding. I adopted the character of a British Spy, because I thought that such a title, in a republican paper, would excite more attention, curiosity, and interest than any other: and having adopted that character, as an author I was bound to support it. I endeavoured to forget myself; to fancy myself the character which I had assumed; to imagine how, as a Briton, I should be struck with Richmond, its landscapes, its public characters, its manners, together with the political sentiments and moral complexion of the Virginians generally. I succeeded so well that in several parts of the country, particularly in Gloucester, and in the neighbourhood of Norfolk, the people went so far as to declare that they had seen the very foreigner, (and a Briton he was, too,) who had written the letters. The editor of a paper in Massachusetts, by whom the letters were republished, declared his opinion that the author was an American who had received his education in Great Britain, and had now returned to his native country. Otherwise he could not account for the union of British prejudice with the intimate knowledge of this country, which was manifested in the work. You may be sure that I was not a little tickled with these sagacious guesses. Unfortunately, however, in my zeal to support my adopted character, I forgot myself too far in some of the letters. Hence the strictures on the entertainers of Dunmore's son; hence the portraits of living characters, which I drew with a mind as perfectly absorbed in the contemplation of the originals, and as *forgettive* of personal consequences "as if I had really belonged to another planet;" and, upon my honour, with as little ill-will towards either of the gentlemen. It was not until it appeared in print that the letter portraying R—— and W—— startled me. Then the indiscretion stared me full in the face; but "the die was cast,"—and, to make the worst of it, I had merely published imprudent truths. But I had made enemies of

the gentlemen themselves, with all their connexions and dependencies. To W—— I have made some atonement in the last edition, because of the magnanimity with which he viewed the publication; but to R—— I have not offered, and I never will offer, an expiation. He had the vanity to declare that the whole work, although it embraced such a variety of topics, had one sole design, and that was to degrade him; was weak enough to mention, in one of his arguments before Mr. Wythe, "the scrutinizing eye of the British Spy," and to express to his brethren his wish that the British Spy was practising at that bar. This has been told me on unquestionable authority. In his last wish he has been in a measure gratified. He was called to the bar of the Suffolk District Court in an important case in which I opposed him. The question was a legal one, and the argument, of course, addressed to the court. He had the conclusion, and, as Tyler and Prentis were the judges, I was a little uneasy lest the weight of R——'s name, added to the authoritative manner of his speaking, should have an undue effect on their honours; for this reason I thought myself authorised to express this apprehension, which I did with the highest compliments to his eloquence. I went farther, and anticipated, as well as I could, not only the matter but the very manner of the replies which I supposed he would make to my argument. I am told that all this was most strikingly in the spirit, style, and manner of the British Spy. I had, however, no intention to wound his feelings, but merely to do justice to my cause, and give it fair play before the court.

Apprehending, from the faces of the company, as well as from the mortified looks of R——, that I had gone beyond my purpose, and said more than the occasion justified, I spoke to him, and stated very sincerely the purpose of my remarks. He professed to be satisfied; but he was disconcerted and wounded, past all power of forgiving. He was so confounded, that in his argument he manifested nothing of the orator, nor even of himself, but the person and voice. His arguments were the very weakest his cause furnished; his order (to use an Irishism) was all confusion, and he is said to have made the very worst speech that he ever did make. In short, he disappointed every body, and lost a cause which he had declared himself, all over the country, sure to gain. If he had never been my enemy before, that one adventure would have made him so. He is, I suppose, implacable; but, as my heart acquits me of any premeditated injury, and as I fear him not, I am very little disturbed at his displeasure. Mr. W—— is not only reconciled, but, to all appearance, even partial to me, since he has been lately instrumental in promoting my professional benefit. Marshall, too, has given me a fee in a Chancery case. Perhaps they are pleased in running parallels between themselves and some great Roman, as Julius Cæsar, who, being severely libelled by Catullus, invited his libeller to supper and treated him so courteously,

that he was ever after his friend. Be it so. I am sure that I am no libeller in intention; and, if I am not blinded by partiality, the portraits in question are marked with candour and benevolence. With regard to the justifiability of the thing, I am not yet convinced that established lawyers are not proper game for the press, *so far as concerns their talents;* nor am I clear that the procedure was wrong on the ground of public utility. That it was indiscreet, I am willing to admit, and I heartily wish I had let them alone. Yet I am very sure that a great part of the public interest excited by the Spy, is imputable to those portraits of prominent characters. For my own part, I declare sincerely, that when I shall have reached that age in which I may be supposed to have touched the zenith of my mind, I should be so far from being displeased, that I should be gratified in seeing my intellectual portrait set in a popular work.

It was alleged, by a writer in the Examiner, under the signature of Cato, that, "in a professional point of view, the Spy was ungenerous, because it was an attempt in the author to degrade the talents of competitors whom he ought to have met only on equal terms."

Now, the fact is, that they are no competitors of mine. I do not practise in the same court with any of them, and whether they are deified or damned, my revenue will be the same. How, then, is my *interest* involved in the affair; even if I were capable of being influenced, in such a case, by so sordid a principle?

I cannot help being surprised at what you tell me relative to the opinion of my political apostasy. I am not, indeed, surprised that such an opinion should exist; for, after the dereliction of B——, almost any suspicions of this nature, about *any body*, are pardonable But what *I am* surprised at is, that any man, however "young," who deserves to be "highly esteemed for intellect," should believe the British Spy to contain evidence of my apostasy.

For the purpose of personal concealment, as well as for the purpose of keeping alive the public curiosity, it was my business to maintain the character which I had assumed, and therefore the sentiments of the Spy are those of a Briton. Would it not have been absurd to clothe a Briton with the opinions and feelings of a Virginian and a Republican?

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I am glad that you, yourself, have viewed this subject in a proper light. No, my dear Dabney, I am not changed. If I were basely disposed to apostatise, I should at least have more cunning than to choose this time for it, when the refulgence of the administration has struck its enemies blind and dumb. Those who suppose me an apostate, pay as poor a compliment to my understanding, as they do to the rectitude of my heart. But I am not angry with them for it; since, from what America has exhibited in some of her leading

characters, each man in the community has a right to exclaim with Cato, "the world has grown so wicked, that I am surprised at nothing."

Your remarks on the Spy, as a writer, are, I think, rather the sentiments of a friend, than the opinions of a critic. Let me give you my opinion of those letters. Putting aside the traits by which the author sustains his dramatic character, his sentiments are generally just, and sometimes display the man of feeling. But his disquisitions are too desultory, and the topics too lightly touched to contain much of the useful. The letters bespeak a mind rather frolicksome and sprightly, than thoughtful and penetrating; and therefore a mind qualified to amuse, for the moment, but not to benefit either its proprietor, or the world, by the depth and utility of its researches. The style, although sometimes happy, is sometimes, also, careless and poor; and, still more frequently, overloaded with epithets; and its inequality proves either that the author wanted time or industry or taste to give it, throughout, a more even tenor. Yet these letters are certainly superior to the trash with which we are so frequently gorged through the medium of the press.

Such is the character which, if I were a critical reviewer, and were reviewing this work, I should certainly give of it; and yet, I cannot but confess that if a critic of reputation were to draw such a character, I should be as much mortified as if it were unjust. Strange, inconsistent creature is man! But enough of the Spy, — except that I will tell you I was very near drawing the character of "the Honourable Thomas" in it. I had the outlines fixed in my mind, but I found, on the experiment, that in finishing up the portrait, I should be obliged, either to sacrifice the unity of my assumed character, or to dilute some of the colours in the most unpardonable manner. I had another consideration. He was the President, with a considerable train of patronage; and, by the time which I had fixed for the insertion of his portrait, I had begun to be suspected as the author of the Spy. I knew, therefore, that political malignity and meanness would ascribe the sketch to motives which I disdain. On all which accounts, citizen Thomas has escaped being butchered by my partiality for him.

You are beginning, by this time, to accuse me of egotism; but, between friends, there is no such thing; for, friends are one and indivisible. Besides, I have said nothing more than what I thought necessary to vindicate myself against aspersions which you have, no doubt, read, and which, perhaps, form a part of that torrent of abuse which has been, and still is, pouring out against me.

* * * * * * *

Little did I dream of such serious consequences from what, to me, seemed an innocent sport; much less did I dream that those trifles would have survived the newspaper ephemeræ of the day; and least

of all, that they would have been perpetuated and extended by a second edition of the pamphlet. O tempora!

* * * * * *

Excuse my *brevity*, and believe me

Your friend,

WM. WIRT.

TO DABNEY CARR.

NORFOLK, June 8, 1804.

* * * * * *

You will acquit me of the poor vanity of boasting of the pressure of business. In the Borough of Norfolk every drone feels the pressure of business. This pressure often, too, depends less on the quantum of business than on the strength and dexterity of the agent. If I had given more of my time to the books and practice of my profession, I should have less investigation and toil to undergo now; but I used to think it enough to have a tolerable understanding of that kind of business which usually occurred in the middle country. I had not the noble and generous emulation which should have incited me to master the science of law in all its departments. The consequence is, that being transplanted to the shores of the Atlantic, where the questions grow almost entirely out of commerce, I have fallen into a business totally new to me, and every case calls for elaborate examination. But I deserve the addition of this labour, and willingly do penance for my past idleness. The principal inconvenience resulting from it is, that I have no time left for reading; and now, most perversely, because it is impracticable, I am stung with a restless passion for the acquirement of science. In this dilemma I have no refuge or consolation, except in very distant prospect. I look on, perhaps with fond delusion, to the time when I shall be able to retreat from the toil of business; when, in the bosom of my own family, I shall find the joys of ease, independence, and domestic bliss — become a very epicure in literary luxuries, and *perhaps* raise some monument to my name, to which my posterity, at least, may look with pleasure. I grant it, sir—it is extremely visionary—it most probably never will come to pass — but possibly it may, and the possibility, remote as it is, reflects a cheering ray to gild the darkness of the present moment. Not, indeed, that the present moment is as dark as Egypt once was. It is true, that I have yet to struggle into notice; I have yet a fortune to make, a family to provide for—a family who, if my life were terminated in any short time, would be thrown on the charity of the world. It is this reflection that wraps my soul in gloom, and the horror is deepened, when I consider the climate of Norfolk, and remember that I am yet a stranger to it. To think of this, and then

to look upon my wife and child!—But "Away with melancholy"—for

"There's a sweet little cherub sits smiling aloft,
To keep watch for the life of poor——"

——me.—— *Allons!*

You have made, sir, in your letter of the 29th of February, a rhapsody on life, and love, and friendship, which is exquisitely beautiful and just. How grateful are such effusions! how grateful to my mind and to my heart! They make me proud of your friendship. My dear C., it is at such moments that my soul flies out to meet yours, and as they commingle, I feel myself exalted and refined. Can mere matter be excited to ecstacies so pure and celestial as these? Or is there not, indeed, "a divinity that stirs within us?" I hope, I wish, I cheerfully believe that I have a soul, for then I think myself more worthy of your friendship. I should feel humiliated and mortified, if I could imagine the friendship, the warm, the generous emotions of a heart and mind like yours, lavished on a perishable mass of matter; and I would not, if I could help it, be in any thing unworthy of your friendship.

Now, do not puzzle yourself and me too, on this subject of the soul, by a subtle disquisition concerning the highest point of perfectibility to which matter may be organized; by weighing and balancing the probabilities of different opinions, as we were wont to do, in the scales of human reason. I am persuaded that there is a range of subjects above the reach of human reason; subjects on which reason cannot decide, because "it cannot command a view of the whole ground." Could the tick, which invades and buries itself in my foot, conceive or describe the anatomy of my frame? Could the man who has passed every moment of his life at the foot of the Andes, paint the prospect which is to be seen from the summit? No more, in my opinion, can reason discuss the being of a God, or the reality of that miracle, the Christian faith. If you ask me why I believe in the one or the other, I can refer you to no evidence which you can examine, because I must refer you *to my own feelings*. I cannot, for instance, look abroad on the landscape of spring, wander among blooming orchards and gardens, and respire the fragrance which they exhale, without feeling the existence of a God: my heart involuntarily dilates itself, and, before I am aware of it, gratitude and adoration burst from my lips. If you ask me why these objects have never produced this effect before, I answer that I cannot tell you. Perhaps my nature has grown more susceptible; perhaps I have learned to rely less on the arbitrations of human reason; perhaps I have gotten over the vanity of displaying the elevation and perspicacity of intellect on which the youthful deist is apt to plume himself. Whatever may be the cause, I thank it for leading me from the dreary and sterile waste of infidelity. I am happy to [illegible] present impressions, and had rather [illegible] alone in Arabia Felix,

than wander over the barren sands of the desert, in company with Bolingbroke and Voltaire.

Reason, my dear friend, in its proper sphere, is the best, and ought to be the only guide of our actions; but let it keep within its proper sphere, and confine its operations to its proper subjects. I admire its powers, I admire its beauties. I also admire the powers of the chemist, and the beauty of his science: yet, notwithstanding the astonishing developement which the chemist makes of the secrets of nature, however his experiments may break up long-established principles, decompose bodies which for centuries have been deemed simple primitive elements, and prove them to be combinations; re-decompose the ingredients of that combination, and detect them, in their turn, to be compositions; in short, however far the chemist may push his discoveries, his labours must still be confined to *matter;* he cannot analyze *thought*. But thought is not more different from or more superior to matter, than God is to that class of subjects which constitute the theatre of reason. Reason is not, therefore, the proper channel of conviction, in matters so far above its reach. That conviction can be given, in my opinion, only through the channel of sensibility: this is another name for what Soame Jennyngs calls the internal evidence of the Christian faith, and what is generally well understood by the intrinsic evidence of revealed religion.

But enough of a subject on which I should not be at all astonished if, already, you think and pronounce me mad. *When you are as old as I am*, you may thus grow mad in your turn; for, be it remembered, that *when I was as young as you are*, I was as wise as you are, on this subject.

Do not suspect, however, that I am a downright bedlamite, nor even an enthusiast. My sentiments, on this subject, are calm and temperate; they fill me with no horrors for the past, nor agonizing terrors for the future. I cherish them because they are a source of pure enjoyment to me, because they render me more happy in every relation of life, and more respectable in my own eyes; nor would they even have led me to annoy you with this declaration of them, if you had not demanded an explanation of some passages in the Spy.

As to the Spy, let me tell you that your favourable opinion of it gratifies me very highly, for I know your judgment and your candour; but let me, also, tell you, that after you had listened to the voice of your friendship, and gratified me, too, with the sound of it, I looked that you should have put off everything like partiality, assumed the rigid critic and censor of the world, and have told me the faults of those compositions. I know that some speculative moralists have said and written that a man cannot bear to hear his faults told, even by his friend. It is said, too, that authors are particularly ticklish about the offspring of their brain. This may be true: but I am sure that I could hear my faults from you, and mend upon it. Some of

the faults of the Spy I know and was conscious of when they were sent to the press; such as the redundance of words, and the comparatively small bulk of the matter. Next to the exuberance of verbiage and the want of matter, is the levity, desultoriness, and sometimes *commonness* of the thoughts which are expressed. Upon the whole, the work is too tumid and too light; yet these, perhaps, are the very properties which gave it the degree of admiration which it excited; for the essay on the liberty of the press, the work of Hortensius, which came out at the same time in the same paper, had not, as far as I have learned, one half of its popularity.

I have a notion, *entre nous*, of making another experiment of the public taste, this summer; for I shall be driven from this place, for a summer or two, by the yellow fever, and I had better be doing anything than to be idle. I shall sometimes get tired of reading, and composition will then diversify my employments very agreeably. What say you? My friend Tazewell, here, does not approve of such engagements. He says that it gives a man a light and idle appearance, in the eye of the world, and might, therefore, injure me in my profession. If you concur in this opinion, I shall renounce the project; otherwise, I shall incline to make another exhibition,—but of what nature I have not yet determined. Certainly I shall write no more Spies; "too much pudding," &c.

I have been reading Johnson's Lives of poets and famous men till I have contracted an itch for biography; do not be astonished, therefore, if you see me come out with a very *material* and splendid life of some *departed* Virginian worthy,—for I meddle no more with *the living*. Virginia has lost some great men, whose names ought not to perish. If I were a Plutarch, I would collect their lives for the honour of the State and the advantage of posterity.

George Tucker, of Richmond, wrote the Enquirer.* I concur with you in the opinion that he has the advantage of the Spy. He had a more intimate acquaintance with the subject; his style is more chaste and equal, and his compositions have much more of the philosopher and author.

Let me tell you that the Spy never read a page in Buffon in his life, nor knew any more of his theory than what he one day heard Charles Meriwether mention, in a very short conversation. Of the Abbé Raynal's West Indies, he once read a few pages, as he rode from Albemarle to Orange court. This was all the acquired information that he had on the subject,—so that the match was very unequal.

The speculation in the second letter was a mere crude adventure, leading to some singular and whimsical consequences, and it was

* Some articles, under this signature, were published in the papers, at Richmond, during the publication of the Spy. They were designed to controvert some of the geological arguments presented in that work.

thought likely, therefore, to please by its novelty; but the calculation was a false one,—for, unphilosophical as it was, it was too philosophical for newspaper-readers. It was, therefore, no favourite, and rather sunk the character of the Spy than raised it.

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The Spy did write, as you were informed, the pieces signed Martinus Scriblerus; they were partly in imitation of Pope and Co.'s criticisms imputed to their hero of the same name. The originals, of which you say you would demand the sight, were sent to the press; nor is there any vestige of them, either printed or written, in possession of the Spy. 'Tis no matter: they answered their purpose of amusing for the moment, and now let them rest in peace.

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I hear very often, that you are growing fast in your profession. How would it glad my heart to live till you touch the acme of forensic glory, to touch it with you too, and, as Peachy would add, hang with you there, like two thieves under a gallows. How is that vagabond P. coming forward? Does he erect his chest in the front bar? Does he spout and thunder like the cataract of Niagara, or does he roar them, "an it were any sucking dove?" If he does not do all these things by turns, I disinherit and anathematise him from the crown of his head to the sole of his foot. I owe the rascal a letter or two, and I will pay him shortly, making up in quantity what I want in number and quality. In the mean time, give my love to him.

Heaven bless and preserve you!

Your friend,

WM. WIRT.

CHAPTER X.

1804—5.

SUCCESS AT NORFOLK. — PROJECT OF A BIOGRAPHICAL WORK.— PATRICK HENRY.—ST. GEORGE TUCKER.—LETTER TO THIS GENTLEMAN. — THE RAINBOW. — LETTER TO EDWARDS.

FROM the date of his establishment in Norfolk, in the winter of 1803–4, we may compute Wirt's rapid advance to eminence in his profession. He was here brought into a new sphere of legal study. The commercial and maritime law, to which he was in a great degree a stranger, now became the familiar subjects of his attention. As we

have seen in the letters written at this period, he was totally unused to the topics, manners, wants and concerns which predominate in the society, and especially in the business circles, of an active trading seaport. To master the first difficulties of such a position, and to win the reputation which his ambition coveted, exacted from him great labour and study. He had friends around him to cheer his hopes and stimulate his efforts to the task; but these friends were also the competitors of his forensic struggles, men of established renown, and justly reputed for brilliant talents as well as professional accomplishment; and it may be regarded as no doubtful praise of the new associate in this fraternity, to say that he speedily earned and sustained, in the public estimation, a fair and acknowledged title to a place on the same platform which they occupied.

Whatever may be said to the disadvantage of the law as a profession; notwithstanding all that is truly and untruly imputed to it, in the way of derogation, by popular satire and by vulgar jest, it is characterized by one condition, in which it has the advantage of nearly all other business pursuits; that eminence in it is always a test of talent and acquirement. Whilst, in other professions, quackery and imposition may often succeed to elevate the professor in popular esteem, the lawyer gains no foothold at the bar, nor with the public, which he has not fairly won. A grave and austere bench is a perilous foe to the make-believe trickery of an unprepared or ignorant advocate; the surrounding bar, too, is not to be put off with sham seemings, contrived as a substitute for skill. The first is characteristically noted for its impatience under the inflictions of those who bring less learning than pretension to their task; and the last is quite as much signalized for the comic relish with which it hunts such game into its coverts. Forensic life is, in great part, life in the noonday, in presence of sharp-sighted observers and not the most indulgent of critics. It has always two sides, whereof one is a sentinel upon the other; and a blunder, a slip, or a slovenly neglect of the matter in hand, never escapes without its proper comment. Dulness is sure to be stamped or patented with such sufficient publication, as to go ever unquestioned upon its settled and intrinsic demerit. The line between good fellowship and professional standing is so broadly drawn, that one never interferes with the other. The best social quality in the world affords no help

to the lack of skill before court or jury. Each stands on its own foundation, detached and independent; so that a man may be the worst pleader and advocate, and the most beloved of social friends at the bar, winning all private esteem, but finding no cover or concealment for his professional raggedness. The public opinion of the merits of a lawyer, is but the winnowed and sifted judgment which reaches the world through the bar, and is, therefore, made up after severe ordeal and upon standard proof.

The success of the British Spy, which had now reached perhaps a third or fourth edition, and the reputation which it brought the author, were too flattering to allow him to abandon the path of literature, even under all the provocations to do so which the engrossment of his profession supplied. No man ever wrote a successful book without contemplating another. The frequent echo of one's name as a popular author, and the agreeable fillip to personal vanity which is given by the notice of the press, magnifying into matter of public importance the conceits of one's brain and rendering his thoughts a commodity in the market—these things are not unrelished or forgotten by the modest craft,—but straightway set the wits again at work to redouble the echo and its accompaniments. In the letters of the Spy, the sketches of personal character connected with the notice of distinguished living persons, had formed one of the most popular attractions of the book, and the author was said to have been very happy in these delineations. Whilst many admired the portraits, others, as we have seen, were offended by them; and in the collision of opinion between these two classes of readers, it was very evident that the popularity of the book was much promoted. His success in these sketches, most probably, turned his thoughts towards a plan which he now meditated of writing the history of the eminent men of Virginia. Many of those, most distinguished amongst the soldiers and civilians of the Revolution, were as yet unchronicled upon any page adapted to preserve the distinct record of their deeds. The time seemed to be favourable to the performance of this duty. To say nothing of Washington,—whose history, as more properly belonging to the nation, was perhaps not included in this scheme,—Patrick Henry, Edmund Pendleton, Richard Henry Lee, and many others, whose names have shed lustre upon the State, were, at this date, numbered with the

dead; but the incidents of their lives were fresh in the public memory, and capable of being authenticated by sure testimony. An equitable public judgment, undisturbed by the prejudices which surround living men, might be expected to await the perusal of their biographies and to do justice to their fame. Neither too soon for this judgment, nor too late to collect the veritable materials for the work, this was the proper time to essay the task of a faithful portraiture. It belonged to this generation; and Wirt supposed he might assume the performance of this duty, with some certainty of its favourable acceptance by the public, as the offering of one who had already established his title to their good opinion by what he had written. It would have been both a grateful and a graceful tribute from an adopted son of the State, who had been honoured by so many proofs of the cordial esteem and substantial friendship of the community in which he lived.

In the partial accomplishment of his purpose he directed his first attention to Patrick Henry. It is to this endeavour we owe the publication of the biography which we shall hereafter have occasion to notice. The fulfilment of the entire original design was interrupted by the engagements of professional life, and the biography of Henry is, consequently, all that was achieved of a scheme which embraced a wide field of various and useful research.

Amongst the most cherished of Wirt's associates, at this time, was St. George Tucker, then the President Judge of the Court of Appeals of Virginia. This gentleman, whose fame is most honourably associated with the national jurisprudence, had held the post of Professor of Law, at William and Mary, where Wirt, during his residence at Williamsburg, with other members of the bar, was an occasional attendant upon his lectures. The Judge was distinguished for his scholastic acquirements, his taste and wit, and was greatly endeared to the society of his friends by a warm-hearted, impulsive nature, which gave a peculiar strength to his attachments. Though some ten years the senior of Wirt, the intercourse between them was that of the most familiar friendship, and was enlivened by a frequent interchange of those sallies of humour and good fellowship which belong to the intimacies of men of equal age and kindred tastes.*

* The Judge was a native of Bermuda. Having emigrated to Virginia in his youth, he completed his education at William and Mary College. He

The following letter illustrates this intimacy, whilst it touches upon the subject of the contemplated biographies. The allusion to "The Rainbow" requires an explanation.

In the year 1804, Wirt had associated with a few friends in a scheme to publish a series of familiar didactic essays, under the title of The Rainbow. This scheme was no farther carried into effect than the publication of ten numbers in the Richmond Enquirer, between August and October of that year, when it was abandoned These essays were subsequently collected into a thin octavo, and, in that guise, seem to have fallen into oblivion. So far as Wirt participated in them, they appear to have been rather the practisings of an artist pursuing his studies, than a work he would choose to acknowledge as the product of his mature labour.

TO JUDGE TUCKER.

NORFOLK, January 31, 1805.

DEAR SIR:

I have never, until now, had it in my power to acknowledge your favour of the 23d instant. It is full to the purpose of my request, and I thank you for it most sincerely and cordially.

As you seem to think there are reasons why it should not be shown, I promise you that it shall not; yet you "kiss the rod" with so much humility and devotion, that I cannot think their high mightinesses themselves would be otherwise than gratified by its perusal.

I am somewhat relieved by your inquiry, whether I received the letter and packet by Mrs. Bannister; for, be it known to you, in two or three days after I did receive that communication, I had read all the pamphlets but one; and while my mind was yet warm with the gratification which I had derived from them, I sat down and wrote you a very long letter, and a very free one,—so very free, that from my hearing no more from you, in reply to one or two little requests which it contained, I was afraid that I might have been too unceremonious with you. I was hesitating whether I should not sit down and deprecate your wrath; but as offences proceed only from the heart, and as none, I was very sure, had proceeded from mine, I

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entered the Judiciary of the State as a Judge of the General Court, and was promoted to the Court of Appeals, of which he became the President. Resigning this post in 1811, he was soon afterwards brought into the Federal Judiciary, as a Judge of the United States District Court in Eastern Virginia, which appointment he held until his death.

thought it syllogistically demonstrable that no offence had been given. And yet that you should not, in so long a time, say one syllable in reply to a proposition connected with literature, was so irreconcilable with your politeness, your goodness, and your passion for letters, that I began to suspect I had satisfied myself with a sophism instead of a demonstration on the subject of offences; and, though my syllogism might prove that no offence had been given, yet it did not prove that none had been taken; and so "note the difference,"—for what is taken, is not always given, or else Hounslow heath and the Louvre would be less distinguished than they are. Yet, taking offence is so different a thing from taking a purse, or a Venus de Medicis, the prize and the gratification so infinitely inferior, that I cannot believe there is much illustration, conviction or wit in the parallel, and so—adieu to it.

But to my letter. It contained a very grateful and sincere acknowledgment for your interesting present by Mrs. B——; a declaration of the pleasure and information which I had derived from the perusal of the pamphlets, particularly that in relation to Louisiana, an expression of my surprise that the public should discover such a gusto for the froth, and frippery, and harlotry of some compositions, while they neglected the clear and masculine views which you invariably give of your subjects.

* * * * * * *

My letter proceeded to condemn the modesty with which you had spoken of Williamsburg, in one of your letters to that sinner Morse; and insisted that much more might have been said, and truly said, of the natural and adventitious beauties of the scene, the science, elegance, harmony and affection of the society. It went on to congratulate you and Judge Nelson, (and there was a spice of envy in the congratulation,) on the Arcadian times which you were enjoying, and to express my suspicion that, between two such ardent and importunate wooers, their ladyships, the muses, had very little time for sleep.

It referred to an anecdote which I heard Judge Nelson tell of Patrick Henry's fondness for Livy, and begged the favour of you to prevail for me, with his honour, to give me that anecdote *circumstantially* and *critically*.

It begged another favour of you; and that was, as you had frequently heard P. H., I had no doubt, in conversation and debate, judicial and political, to do me the kindness, at some moment of perfect ease and leisure, to sketch, as minutely as you could, even to the colour of his eyes, a portrait of his person, attitudes, gestures, manners; a description of his voice, its tone, energy, and modulations; his delivery, whether slow, grave and solemn, or rapid, sprightly and animated; his pronunciation, whether studiously plain, homely, and sometimes vulgar, or accurate, courtly and ornate,—with an analysis

of his mind, the variety, order and predominance of its powers; his information as a lawyer, a politician, a scholar; the peculiar character of his eloquence, &c., &c.; for I never saw him. These minutiæ, which constitute the most interesting part of biography, are not to be learnt from any archives or records, or any other source than the minute and accurate details of a very uncommon observer.

In the same letter, I took the liberty of attempting to revive and enforce your half-dormant resolution of furnishing an essay for "The Rainbow," on the subject of Biography; and of combating your idea of declining that essay because I had turned *my* thoughts towards biography. For, if the objects of your essay would be to show the importance and utility of biographical publications, and to point out the duties of the biographer, it would be so far from hostile that it would be auxiliary to my scheme; as it would give the public a preparatory relish for that kind of writing, and instruct me how to serve up the feast to the best advantage. If, instead of being didactic, the essay was intended to be, itself, a biographical sketch, yet the limits prescribed for an essay would merely enable you to excite, without sating the public curiosity, and would therefore be a good preparation for a more expanded narrative. If, again, you proposed to pursue this subject through a series of essays, so as to constitute, in the whole, the expanded narrative of which I speak, then the great objects at which I aimed (those of preserving the memory of our illustrious men, and of perpetuating to Virginia the honour of having given them birth,) would be completely gained by those essays. I wish, indeed, that you would take this task off of my hands. I fear much that it will be out of my power to perform it. I find so much writing to do in my professsion, so much interruption from clients who ask counsel that sometimes forces me on a close and unremitting investigation for several days, so much preparation for argument, &c., &c., that I have scarcely time to exchange a word with my family day or night.

It must, at all events, be a considerable time before I could accomplish the work as I would; whereas you have all the long intervals between the sessions at your command; could do the business at your ease; could make an amusement of it to yourself; and from your personal acquaintance with the heroes of the work, as well as from other causes which are too obvious to particularize, could render it infinitely more valuable and interesting to the public, than all the leisure in the world would enable me to do.

I wish you would think seriously of this proposal. I am trying to collect materials for this work, which I will most gladly communicate when I receive them. Nay, more; if you think proper, your name shall be kept out of the public view, and they may name me, without contradiction, as the author (for there are too many persons who have, by some means or other, got wind of my project, to suppose that it

may not, at first, be imputed to me.) And when their applauses become loud, general and confirmed, I will make a public disclaimer. If, by any fatality, they should not applaud, I hereby promise you that I never will disclaim There is not much heroism in the offer,—for I know, with almost absolute certainty, that the result would be propitious. If it should, or should not, you will at least have an opportunity of seeing and hearing a fair estimate of your pen, free from the weight which it would derive from the name of the Honourable St. George Tucker, one of the Judges of the Supreme Court of Appeals of Virginia.

I hope there is nothing improper in the proposal of this experiment. On my part it is, in a very great measure, the creature of curiosity. You say your works have been still-born; no solution of this can be found in the works themselves, and I wish much to see if there be any fatality attached to names. If the proposal be, in any point of view, improper, I beg you to excuse it, and to be assured that there is nothing in the motives of the proposal which should excite your displeasure.

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Yours, most *obsequiously*,

WM. WIRT.

The next is to Benjamin Edwards, then a resident of Kentucky. We have already seen the kindly interest which this excellent gentleman manifested in the early fortunes of the subject of this memoir, in taking him to his own house in Maryland, and in the parental solicitude with which he protected and guided the youthful student, at a period when such friendly offices were above all price.

Seventeen years had elapsed since that day. But it will be seen from this letter, that the time gone by had not blunted the edge of the student's gratitude, nor dimmed his ardent affection towards his worthy patron. Mr. Edwards had, during the interval between the date of this correspondence and the departure of his protegé from beneath his roof, removed with his family to Kentucky, and was now a prosperous landholder in that state, surrounded by a thriving family, and happy in the contemplation of the present and prospective good fortune which enlivened the evening of his life.

The interest which Mr. Edwards took in the career of his friend, and the affection with which it was reciprocated, were shown in a frequent correspondence between them, ever since the period of their separation. The following letter was called forth by the disappoint-

ments which Mr. Edwards had recently expressed, upon the change of purpose in regard to Wirt's scheme of migration to Kentucky. It has reference to some matters of personal history, which may be acceptable to the reader: and it dwells with an honest warmth of grateful recollection, upon the topics of family endearment, the household associations, the incidents and characteristics which made Mount Pleasant a precious picture on the memory of the writer. We shall not fail to remark, in the perusal of this letter, how agreeably it impresses us with the benignity of the good man to whom it is addressed, the simplicity of his life, and the patriarchal character of his relation to those around him; and how much there is in the writer of filial duty and reverence.

TO BENJAMIN EDWARDS.

NORFOLK, March 17, 1805.

I cannot describe to you, my dear Mr. Edwards, the sensations with which I have just read your most welcome and obliging letter of the 17th ult., from Shiloh. I need not be ashamed to tell you that my tears bore witness to the sincerity and force of my feelings. You have taught me to love you like a parent. Well, indeed, may I do so; since to you, to the influence of your conversation, your precepts, and your example in the most critical and decisive period of my life, I owe whatever of useful or good there may be in the bias of my mind and character. Continue then, I implore you, to think of me as a son, and teach your children to regard me as a brother: they shall find me one, indeed, if the wonder-working dispensations of Providence should ever place them in want of a brother's arm, or mind, or bosom.

You could not more strongly have expected my wife and me to partake of your Christmas turkey in 1803, than we ourselves expected it when I wrote you last. I was sensible that I owed you and my friend Ninian an apology, or rather an explanation, of the abrupt change of my plan in relation to Kentucky, and this explanation would have been certainly made at the proper time, but for a point of delicacy arising from the nature of the explanation itself. But now that the project is over, and with you, I fear, forever, I may explain to you without reserve.

The first obstacle which I had to encounter arose from the difficulty of compassing so much cash as would enable me to make my debut sufficiently respectable. To have disclosed this obstacle either to you or Ninian, after the strong desire which I had manifested to migrate

to your state, might have been liable to an interpretation, which, either from true or false pride, I chose to avoid As I could not state to you this primary obstacle, I thought it would be disingenuous to amuse you with an account of merely subordinate ones; but now you shall know the whole truth. My wife, who was thoroughly convinced of the propriety of our removal to Kentucky, had consented to it, from the dictates of reason and judgment, whilst her heart and affections secretly revolted against the measure. Most dutifully and delicately, however, she concealed her repugnance from me, and I should never have known it, but for an accident. Waking one night, at midnight, while this journey was contemplated, I found her in tears; and, after much importunity, drew from her an acknowledgment that her distress proceeded from the idea of such a distant, and most probably final, separation from her parents and family.

I will not affect to deny that I believe this discovery and the manner of it, would have been decisive with me against the removal, even if the first objection had not existed. Fortune and fame are, indeed, considerations of great weight with me; but they are light, compared with the happiness of the best of wives. About the time of this discovery, and while the current of my own inclinations had been thus checked and brought to an eddy, a young gentleman (a son of the late Judge Tazewell) who was at the head of the practice in this part of the state, very generously and disinterestedly waited on me at Williamsburg, opposed my removal by every argument that friendship or ingenuity could suggest, offered to recede, in my favour, from several of his most productive courts, painted the progressive prosperity of Norfolk in colours so strong and alluring, and exhibited such irresistible evidence of the present profits of the practice in this borough and district, that my mind was left in equipoise between Kentucky and Norfolk.

At this critical juncture came a letter from you, in which you very amicably exhorted me against the indulgence of a too sanguine imagination in regard to Kentucky. You stated that the specie had almost disappeared from the state, owing to the occlusion of Orleans, by the Spanish Intendant against your deposites—an inconvenience whose duration it was impossible to calculate, and represented that the gentlemen of my profession, like the other inhabitants of the state, carried on their business by barter, receiving their fees in negroes, horses, &c. Under the joint action of all these obstacles, difficulties, considerations and motives of policy and expedience, I was led to the adoption of the resolution which brought me here. And so here I am, abreast with the van of the profession in this quarter, with the brightest hopes and prospects; duping the people by a most Jenkinsonian exterior, using "words of learned length and thundering sound," puffed by the newspapers as an orator, to which I have no pretensions, and honoured and applauded far beyond my deserts. It is only for the

humiliation with which I see and hear what is written and said in my praise, that I give myself any credit. I have formed in my own imagination a model of professional greatness which I am far, very far, below, but to which I will never cease to aspire. It is to this model that I compare myself, whenever the world applauds, and the comparison humbles me to the dust. If ever I should rise to this imaginary prototype, I shall rest in peace.—Herculean enterprise! But I must not despair, since it is only by aiming at perfection that a man can attain his highest practicable point.

If a fortune is to be made by the profession in this country, I believe I shall do it. It must require, however, fifteen or twenty years to effect this. Norfolk, as you guess, is very expensive. I keep, for instance, a pair of horses here, which cost me eight pounds per month. Wood is from four to eight dollars per cord; Indian meal, through the winter, nine shillings per bushel,—this summer it is supposed it will be fifteen; flour eleven and twelve dollars per barrel, a leg of mutton three dollars, butter three shillings per pound, eggs two shillings and three pence per dozen, and so on. Having set out, however, with the view of making a provision for my family, in the event of my being called away from them, I live as economically as I can, so as to avoid giving my wife any reason for regret at the recollection of her father's house and table. After this year, I hope it will be in my power to nett annually two thousand dollars, by the practice,—but I do not expect ever to do more than this. I shall be content to leave the bar whenever my capital will nett me an annual revenue of four thousand dollars, and not till then.

I am indeed sometimes very apprehensive that the yellow fever, which you mention, may cut this operation short, by removing me from this scene of things; or protract it, by driving me from my business into annual exile, as was the case last summer and fall. If I find this latter event likely to take place, I shall certainly use all my influence with my wife to reconcile her to Kentucky; for even now, I will not conceal it from you, propitious as is the face of my affairs, your letter makes me sigh at the thought of your state. It is not, however, the idea of being "a comet in a naked horizon," which I long to realize. I have seen too many luminaries, infinitely my superiors in magnitude and splendour, to believe myself a comet; nor can I believe *that* horizon naked which is adorned and lighted up with a Breckenridge, a Brown, a Maury and N. Edwards. Besides, if I were ambitious, and it were true that this part of the hemisphere were gilded with the brightest stars, I should, for that reason, choose this part. A glow-worm would be distinguished amid total darkness; but it requires a sun indeed to eclipse the starry firmament. No, sir. It is the Green River land which makes me sigh; the idea of being released from the toils of my profession by independence, in six or eight years, and of pursuing it afterwards at my ease, and only on great

occasions, and for great fees; of having it in my power to indulge myself in the cultivation of general science; of luxuriating in literary amusements, and seeking literary eminence. Those are the objects which I have been accustomed to look to, as the most desirable companions in the meridian of life; and six or eight years more would just bring me to that age at which Parson Hunt and his son William used to predict, in moments of displeasure and reproof, that I should begin to be a man,—viz., at forty. It is because your letter holds out probabilities like these, that I sigh. For I know that, by the practice of this country, independence by my profession is a great way off.

How much it would delight me to live once more within eye and earshot of you! To be able to talk over with you the affairs of Mount Pleasant, and of my youth; to hear your raillery and your laugh; these are things that I could think of until I should be quite unmanned:—but enough. My wife has given me two children in little more than two years. We were married on the 7th September, 1802, and on the 3d September, 1803, she gave me a daughter, now a lovely child, going on nineteen months old, and with the romantic name of Laura Henrietta, the first the favourite of Petrarch, the last the christian name of my mother. On the 31st day of last January she gave me a son, who is certainly a *very* handsome child, and, if there be any truth in physiognomy, a fellow whose native sheet of intellectual paper is of as fine a texture and as lustrous a white as the fond heart even of a parent can desire. My fancy is already beginning to build for him some of those airy tenements, in the erection of which my youth has been wasted. My wife wants to call this boy Robert Gamble; and as this is a matter altogether within the lady's department, I shall give way. She was just twenty-one the 30th day of last January, and I was thirty-two the 8th day of last November; so I hope we may reach my wished-for number of twelve, and be almost as patriarchal, by and by, as yourself.

How much you gratify me by the circumstantial description of your children—their prosperity now, and their hopeful prospects! May all your wishes in regard to them be fulfilled! I hope and pray so, from my inmost soul! I have a kind of dim presage that I shall yet be in Kentucky, time enough for your Benjamin Franklin, if not for Cyrus. Heaven send I may ever have it in my power to be of any use to either of your children! Pray remember me to them all, with the regard of a brother, and present me to Mrs. Edwards, with the respect and dutiful affection of a son. Shall I ever see you again, in the midst of them on your farm, disengaged from all care, and happy as you deserve to be? You cannot think with what tenderness my memory dwells on Mount Pleasant and the neighbourhood. I remember, indeed, very many follies to blush at and be ashamed of, yet still it is one of those "sunny spots" in the course of my life, in which

collection dearly loves to bask. Let me be free with you, for you sed to make me so. To this day, the image of B. S—— is as fresh n my mind as if she had just left Mount Pleasant, on Sunday even-ng, on the bay mare, and my eyes had followed her through the gate, nd as far around as she was visible, on her way home. And the nvestigation which you once made of the difference between K——'s assion for her and mine, is just as vivid as if it had passed on yester-ay. By-the-bye, you have not said a word of my friend K——, and s I take a very strong interest in his welfare, let me hear of him hen you write next.

I thank you very much for your mention of several of my old cquaintances. Among them all, Jack Wallace (if he is the son of ames) is my favourite. Nature, indeed, had not taken much pains n the cast of his genius, but she gave him one of the sweetest tem-ers, and one of the finest and noblest hearts that ever warmed a uman breast.

Major W——, I presume, is my schoolmate, William, who used o live at Montgomery court-house. When we were at school together, bout the year 1785, he was thought one of the world's wonders, or ather, a new wonder, in point of genius. Where is the hopeful romise of his youth? Smothered under the leaden atmosphere of ndolence? Or has it faded, like the first flower of the spring, to bud nd bloom no more?

* * * * * *

Of Q. M—— I only remember that he was a large-faced, well-grown oy, who learnt the Latin grammar until he came to *penna-a-pen*, here he stuck fast, and his father took him away in despair. But . is possible that I may be mistaken, and am confounding him with ome other boy. One other thing I am sure of, that he had a very retty sister, whose name was L——, with whom I was very much n love one whole night, at an exhibition ball, in the neighbourhood f Parson Hunt's. E. M——, I do not remember at all. I could ot have been acquainted with him, nor, I think, with M. L——. I ell remember the family of the latter, who lived on a hill, near a ill-pond of Samuel W. Magruder's. There were five or six of us, f the family of Magruder, who, after bathing of a Sunday in the ond, used to go up and see a sister of Matthew's, whose name was Betsey (a name always fatal to me). I was then about twelve years ld, and I remember that for one whole summer, that girl disturbed ny peace considerably. The sex, I believe, never had an earlier or nore fervent votary; but it was all light work till I came to B. ——. To this moment I think kindly of her, even in the grave.

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I have used already a good deal of egotism in this letter: but it is navoidable in letters between friends; and it certainly is not *desirable* o avoid it between friends so far sundered as we are, who are obliged

to resort to letters as a substitute for conversation. For my own part, I sat down with a determination to write just as I would talk with you, in order that I might approach as near as possible to the enjoyment of your company; and, as I should certainly have talked a great deal of levity and nonsense, so have I written, and so I shall still write, although I know that I am taxing you with a heavy postage.

But to myself again. I find you have read the British Spy, and, from your allusion to it, I presume you have understood me to be the author. It is true. I wrote those letters to while away six anxious weeks which preceded the birth of my daughter. In one respect they were imprudent. They inflicted wounds which I did not intend.

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In the esteem of a penetrating and learned man, the British Spy would injure me, because it would lead him to believe my mind light and superficial; but its effect on the body of the people here (on whom I depend for my fortune) has, I believe, been very advantageous. It was bought up with great avidity; a second edition called for and bought up; and the editor, when I saw him last, talked of striking a third edition. It has been the means of making me extensively known, and known to my advantage, except, perhaps, with such men as Jefferson and Jay, whose just minds readily ascertain the difference between bullion and chaff.

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The title of this fiction was adopted for concealment, that thereby I might have an opportunity of hearing myself criticised without restraint. But I was surprised to find myself known after the third letter appeared. Having once adopted the character of an Englishman, it was necessary to support that character throughout, by expressing only British sentiments; yet, there were some men weak enough, in this state, to suspect, from this single cause, that I had apostatized from the republican faith. The suspicion, however, is now pretty well over.

* * * * *

I am your friend, and

Your son by election,

WM. WIRT.

CHAPTER XI.

1805—1806.

INCREASING REPUTATION.—DISLIKE OF CRIMINAL TRIALS.—MEDITATES A RETURN TO RICHMOND.—AN OLD-FASHIONED WEDDING AT WILLIAMSBURG.—LETTERS.—A DISTASTE FOR POLITICAL LIFE.

MR. WIRT continued to reside in Norfolk until July, 1806. His life here was one of close application to business, and his professional career was characterised by its rapid and steady progress upward towards the attainment of reputation, influence, and independence. He practised largely through the district, extending his attendance upon the courts as far as Williamsburg, and into the counties adjacent to Norfolk. He was already accounted one of the most eloquent advocates in the state, and was growing fast to be considered one of the ablest of her lawyers. His renown as an advocate brought him into almost every criminal trial of note within the circuit of his practice, and overburdened him with a species of business sufficiently disgusting in its best phase, but which, in its varied demands upon a man in whom the mere pride of eloquent speech has not deadened the sensibility of his heart to what is good and bad, cannot but grow to be inexpressibly irksome and offensive.

"I am becoming ill at ease," he writes to Mrs. Wirt, from Williamsburg, during this period, "at this long absence from you and my children. * * I look to you as a refuge from care and toil. It is this anticipation only which enables me to sustain the pressure of employments so uncongenial with my spirit: this indiscriminate defence of right and wrong—this zealous advocation of causes at which my soul revolts—this playing of the nurse to villains, and occupying myself continually in cleansing them—it is sickening, even to death. But the time will come when I hope it will be unnecessary."

He began to long for the privilege of an exclusive devotion of his time to that higher range of practice which, dealing with the more complicated affairs of society, gives occasion for the employment of the subtlest powers of intellect, in the study and development of the great principles of right. In this sphere of forensic life, as distinguished from that which is properly assigned to the advocate, is only to be achieved that best renown which has followed the names of the greatest lawyers. It exacts not only the cultivation of the highest order of eloquence, but the study also of the noblest topics of human research, in the nice questions of jurisprudence and ethics, and finds its most powerful auxiliaries in the learning that belongs to the history and philosophy of man. Popular advocacy, on the other hand, whilst it allures its votary into a path made vocal with the applause of the multitude, seduces his mind from its love of truth, teaches him to disparage the wealth of the best learning, and to account the triumph won in the open amphitheatre in the presence of the crowd, as more precious than all the gems which are turned up in the silent delvings of the student patiently toiling with no companion but his lamp.

In the hope of soon obtaining that position at the bar which should enable him to realize these longings of his heart, Wirt laboured, with cheerful submission to the present necessity which compelled him to obey whatever call his profession made upon him. He looked anxiously for the day of his return to Richmond, resolved that that period should not be long postponed. The usual unhealthiness of Norfolk during the autumn, which was occasionally aggravated by the appearance of the yellow fever, forced him to remove his family during the warm season, to Richmond, or still further towards the mountains, whilst he himself was obliged to remain in the borough, or make his circuits into the neighbouring counties. These separations from his household disquieted him. Passionately attached to his wife and children, it was ever the engrossing subject of his thoughts to push his professional success to the point which would allow him to remain at home, — and that home, as he hoped, in Richmond.

"I amuse myself," he says in the same letter I have last quoted, "in planning fairy visions of futurity I imagine that we have laid

by money enough to build a house in Richmond—that we are living there, and I practising in the Superior Courts, in the van of the profession, making my——a year without once leaving the town."

May 10th, 1805, he writes to Mrs. W.,—"We will go to Richmond to live as soon as prudence will permit. But Norfolk is the ladder by which we are to climb the hills of Richmond advantageously.—Norfolk is the cradle of our fortune."

Whilst turning over many letters written during this year to Mrs. Wirt, from which I make but meagre extracts—the following passage occurs, which speaks an earnest and most characteristic aspiration of the writer.

* * * * * "I have been interrupted by Judge Prentiss, who came into my room to look at the miniature of Patrick Henry, which has been sent to me by Judge Winston, and to read a very interesting narrative of P. H., by the same gentleman. Mr. Winston's is a hundred times better told than either —— or ——'s. The project pleases me more and more, and I hope to be enabled to immortalize the memory of Henry and to do no discredit to my own fame. The idea has been always very dismal to me, of dropping into the grave like a stone into the water, and letting the waves of Time close over me, so as to leave no trace of the spot on which I fall. For this reason, at a very early period of my youth, I resolved to profit by the words of Sallust, who advises, that if a man wishes his memory to live forever on the earth, he must either *write* something worthy of being always read, or *do* something worthy of being written and immortalized by history. Perhaps it is no small degree of vanity to think myself capable of either;—but I have been always taught to consider the passion for fame as not only innocent, but laudable and even noble. I mean that kind of fame which follows virtuous and useful actions."

In the same correspondence I find a letter from which I take a description of a wedding at Williamsburg, in April, 1806. It is worth preserving as a sketch of manners and customs in the Old Dominion at that date:

* * * "I went last night to Miss P——'s wedding. The crowd was great, the room warm, the spirit of dancing was upon them, and the area so small that a man could not lift

a foot without the hazard of setting it down upon a neighbour's. But then, by way of balancing the account, there was a group of very gay and pretty girls. Miss P. herself, never looked so lovely before. She was dressed perfectly plain, wore her own hair, without wreath, laurel or other ornament. She had not a flower nor an atom of gold or silver about her: there was a neat pair of pearl pendants in her ears, but without any stone or metallic setting. Her dress a pure white muslin:—but she danced at least a hundred reels, and the roses in her cheeks were blown to their fullest bloom. You know she is a very pretty girl; but Sally C., who was also there, seemed to bear off the bell."

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—— "But to the wedding. I went with the intention of seeing my friends, merely peeping into the supper-room, and coming home in an hour or two at farthest. But I got there about eight o'clock, and the dancing-room was so thronged as to be impenetrable without an exertion of strength which would have been very inconvenient to me in so warm a room, and much more inconvenient to those whom I might overset in my career. So, I watched the accidental opening of avenues, and it was an hour and a half, at least, before I had kissed the bride—which, by-the-bye, I did under the pretence of delivering a message from you—and made the bows which were due from me. The enquiries after you and your children were many and apparently affectionate.

"It was past eleven when the *sanctum sanctorum* of the supper-room was thrown open—although I don't know but that the designation of the *sanctum* would be better applied to another apartment in the house—and it was near twelve when it came to my turn to see the show. And a very superb one it was, I assure you. The tree in the centre cake was more simply elegant than any thing of the kind I remember to have seen. It was near four feet high: the cake itself, the pedestal, had a rich—very rich—fringe of white paper surrounding it: the leaves, baskets, garlands, &c., &c., were all very naturally done in white paper, not touched with the pencil, and the baskets were rarely ornamented with silver spangles. At the ends of the tables were two lofty pyramids of jellies, syllabubs, ice-creams, &c.—*the which* pyramids were connected with the tree in the centre

cake by pure white paper chains, very prettily cut, hanging in light and delicate festoons, and ornamented with paper bow-knots. Between the centre cake and each pyramid was another large cake *made for use:* then there was a profusion of meats, cheese-cakes, fruits, etc., etc.

"But there were two unnatural things at table;—a small silver globe on each side of the tree, which might have *passed*—if Charlotte, to enhance their value, had not told us that they were a fruit—whose name I don't recollect—between the size of a shaddock and an orange, covered with silver leaf;—which was rather too outlandish for my palate. All the grandees of the place were there——."

* * * * * * *

The particularity and quaintness of this description of a wedding supper of more than forty years ago, in low Virginia, has a smack in it which may remind one of Froissart, or some enraptured chronicler of a banquet scene of those days when "ancientry and state" were held in more reverence than the present. The great centre cake and its white paper tree four feet high, and the paper chains hanging in delicate festoons from the topmost boughs, all the way over the table to the apexes of the pyramids of jellies, and the two large cakes below, "*for use*," and the silver globes—a pleasant picture this of home manufactured grandeur of the old time, when a blooming bride danced "a hundred reels" on the wedding night, giving fresh brilliancy to the roses of her cheek! "Old times are changed, old manners gone,"—and Williamsburg, doubtless, has dismissed the great paper tree and the sweet mould in which it grew, for modern fopperies. We may thank the young lawyer who has so happily preserved these images.

We come now to another letter to the good friend of his youth

TO BENJAMIN EDWARDS.

NORFOLK, May 6, 1806

MY DEAR SIR:

* * * * * * *

You see I have not gotten rid of my levities, and most certainly I never shall while I live; they make an essential part of my constitution. I catch myself, sometimes, singing and dancing about the

house like a madman, to the very great amusement of my wife and children, and probably of the passengers who are accidentally going along the street. This is very little like the wise conduct which Shakspeare makes Henry IV. recommend to his son: but the hare-brained find some consolation in the figure which Henry V. made in spite of his father's maxims of gravity. Yet I hope you will not believe that I either sing or dance in the street or in the court-house. I know the indispensable importance of a little state, to draw the magic circle of respect around one's self and repel intrusion and vulgarity.

* * * * * *

To be sure, in a letter, it is not so material if a man cuts an eccentric caper here and there; but I feel the same propensity when I am arguing a cause before a court and jury; although I see the track plainly before me, yet, like an ill-disciplined race-horse, I am perpetually bolting or flying the way, and this, too, perhaps in the very crisis of the argument. After having laid my premises to advantage, often having gone through an elaborate deduction of principles, in the very instant when I am about to reap the fruit of my toil, by drawing my conclusion, and when everybody is on tiptoe expectation of it, some meteor springs up before me, and, in spite of me, I am off, like Commodore Trunnion's hunter, when the pack of hounds crossed him so unpropitiously, just as he was arriving at church to seize the hand of his anxious and expecting bride. I was in conversation the other day with a very intimate friend of mine on this subject, and was lamenting to him this laxity of intellect, which I was sure arose from the want of a well-directed education. He admitted that I had ascribed it to its proper cause, but doubted whether it ought to be lamented as a defect, suggesting that the man in whose imagination these meteors were always shooting, bid much fairer both for fame and fortune than the dry and rigid logician, however close and cogent. In reply, it was but necessary for me to appeal to examples before our eyes, to disprove his suggestion. One was Alexander Campbell, whose voice had all the softness and melody of the harp; whose mind was at once an orchard and a flower-garden, loaded with the best fruits, and smiling in all the many-coloured bloom of spring; whose delivery, action, style and manner were perfectly Ciceronian, and who, with all these advantages, died by his own hand. * * * *

On the other hand, here is John Marshall, whose mind seems to be little else than a mountain of barren and stupendous rocks, an inexhaustible quarry, from which he draws his materials and builds his fabrics, rude and Gothic, but of such strength that neither time nor force can beat them down; a fellow who would not turn off a single step from the right line of his argument, though a Paradise should rise to tempt him; who, it appears to me, if a flower were to spring in his mind, would strike it up with his spade as indignantly as a

farmer would a noxious plant from his meadow; yet who, all dry and rigid as he is, has acquired all the wealth, fame and honour that a man need to desire. There is no theorizing against facts: Marshall's certainly is the true road to solid and lasting reputation in courts of law. The habits of his mind are directly those which an accurate and familiar acquaintance with the mathematics generates.

* * * * * *

I feel so sensibly my own deficiencies in this mathematical study, that, if Heaven spares my son, and enables me to educate him, I will qualify him to be a professor in it, before he shall know what poetry and rhetoric are. If he turns out to have fancy and imagination, he will *then* be in less danger of being run away with and unhorsed by them. If he is for the bar, I shall never cease to inculcate Marshall's method, being perfectly persuaded that for courts, and especially superior and appellate courts, (where there are no juries,) it is the only true method. It is true, that if I had my choice, I would much rather have my son (as to mind) a Mirabeau than a Marshall,—if such a prodigy, as I have heard Mirabeau described by Mr. Jefferson, did ever really exist. For he spoke of him as uniting two distinct and perfect characters in himself, whenever he pleased;—the mere logician, with a mind apparently as sterile and desolate as the sands of Arabia, but reasoning at such times with an Herculean force, which nothing could resist; at other times, bursting out with a flood of eloquence more sublime than Milton ever imputed to the cherubim and seraphim, and bearing all before him. I can easily conceive that a man might have either of these characters in perfection, or some portion of each; but that the same mind should unite them both, and *each in perfection*, appears to me, considering the strong contrast in their essence and operation, to be indeed a prodigy. Yet I suppose it is true, "for Brutus is an honourable man."

* * * * * *

No, my dear friend, I shall certainly never become famous by burning a temple, or despising the religion of Christ. On these subjects, in the heat, vanity and ostentation of youth, I once thought and spoke, to my shame, too loosely. A series of rescues from the brink of ruin, to which, whenever left to myself, I madly rushed, convinced me that there was an invisible, benevolent power, who was taking an interest in my preservation. I hope that ingratitude is not one of my vices. The conviction which I have just mentioned, no sooner struck my heart, than it was filled with a sentiment which, I hope, will save me from the fate of a Voltaire and a Domitian.

The friendly hope which you express, that you will live to hear me toasted at every political dinner, for superior virtues and wisdom, is indeed very obliging, but very unfounded. You know how poor I have always been. The rocks and shoals of poverty and bankruptcy lie very near to the whirlpool of dishonour and infamy. Among these

rocks and shoals I have been tossing and beating ever since I entered upon the world. The whirlpool I have escaped, and, thank Heaven, feel myself now out of danger: but that horrible danger I shall never forget; nor shall I cease struggling till I place my children out of its reach. This cannot be done if I give myself up to politics. This latter might be the road to distinction, but not to independence, either for myself or my children. When I have placed my wife and children beyond the reach of this world's cold and reluctant charity, unfeeling insolence, or more insulting pity, then my country shall have all the little service which I am capable of rendering. But while I have opportunities of hearing, seeing and reading, and making comparisons between other men and myself, I cannot believe that the little all of my services will ever make me a political toast. Nor, indeed, do I envy that distinction to any man; for I remember how Miltiades, Aristides, Cicero, Demosthenes and many others were once idolized by their countrymen; and I remember the disastrous proof which their examples afforded of the fickleness of popular favour, and the danger of aspiring to political distinctions even by the exercise of virtues. Yet I would not shrink from their fate, if my country required the sacrifice at my hands. All I mean to say is, that I shall never enter on the political highway in quest of happiness. Thank Heaven! I have it at home;—a wife, in whose praise, if I were to indulge it, my pen would grow as wanton as Juba's tongue in praise of his Marcia; two cherub children; a revenue which puts us quite at ease in the article of living, and the respect and esteem of my acquaintances, and I may say of Virginia. A man who has blessings like these in possession, will not be very wise to jeopard them all by launching on the stormy Baltic of politics.

Ever your friend and servant,

WM. WIRT.

Wirt had now made up his mind to remove to Richmond. A scheme which had already taken such hold upon his fancy, required no vehement enforcement from the advice of friends. His distrust upon this question of removal, and the suspense it had encountered in his mind, seem to have been effectively banished by the accidental counsel of his friend Judge Tucker. From Williamsburg, whilst attending court there, April, 1806, he writes thus to his wife:

* * * * * *

"Williamsburg is just as hospitable and as beautiful as ever. * * * I told the Judge (Tucker) privately, that my friends were pressing me to *fix* myself in Richmond. He caught at it with his usual enthusiasm,—insisted I should adopt the plan,—swore that

I could not *live* another year in Norfolk,—declared that I had fattened at least forty pounds since he saw me in the winter, and that I was so fit a subject for the fever, he did n't know the man on whose life he would not sooner buy an annuity than on mine; said he was sure I should do well at the bar there, after a year or two; and that, even for the present, I might well support my family in Richmond and the neighbourhood. I am perfectly confounded by the arguments *pro* and *con*. I pray Heaven to assist me with its counsels. Think of this subject again, deliberately and free from bias, my dear B. You shall decide it as you please; and whatever may be the result, I shall always believe you advised for the best. * *

* * Do not yield too much to inclination in the aforesaid *pros* and *cons*. It is a measure which, if resolved on, will either ruin or make us happy; and, in the former event, it may end in Kentucky. I confess that when I bring the movement close to my mind, and imagine myself just about to commence it, I am swayed by doubts like those which agitate Hamlet, when he meditates self-destruction:—he was afraid of losing Heaven, I, of an earthly Paradise. May Heaven guide us!"

This point,—"whether it was better to bear the ills" he had, "or fly to others" that he knew not of,—gave him, however, pause of no great duration. The auspicious and better counsels of Mrs. Wirt prevailed. In a few months after this letter, he took a house in Richmond upon a lease of five years, and set himself to the business of his removal with all proper despatch.

CHAPTER XII.

1806.

REMOVES TO RICHMOND.—A PROFESSIONAL CASE OF CONSCIENCE. —DEFENCE OF SWINNEY.—CHANCELLOR WYTHE.—JUDGE CABELL.—LETTER TO MRS. W. ON SWINNEY'S CASE.—FONDNESS FOR MUSIC.—LETTER TO F. W. GILMER.—RECOLLECTIONS OF PEN PARK.

His dwelling-place is now once more in Richmond. His return to the bar there is signalized by a case of conscience, the proposing of which shows that he had now reached that point in his profession in which, no longer impelled by hard necessity, he might debate with himself a question of casuistry, upon the merits of taking employment in a criminal cause, wherein he had reason to believe the criminal unworthy of defence. This is a new era in his forensic life. It is an incident which does not always arrive in the career of even eminent lawyers. The point has often been a debated question. The better opinion of the bar seems generally to have settled it on the side of their own interest; much to the gratification of culprits, who, however steeped in iniquity, find no lack of energetic and skilful defence from the brightest, if not the best, lights of the profession. A trial is regarded as a species of tourney, in which the champions are expected to show their prowess—to use a phrase of the British Spy—in "forensic digladiation," as little concerned with the intrinsic right or wrong of the accusation, as the knights of the ancient tilting-yard were with the real merits of the beauty of their respective mistresses. The laws of chivalry placed the true knight in a category somewhat resembling that of Captain Absolute. "Zounds, sirrah, the lady shall be as ugly as I choose: she shall have a hump on each shoulder; she shall be as crooked as the crescent; her one eye shall roll like the bull's in Coxe's Museum; she shall have a skin like a mummy, and the beard of a Jew,—she shall be all this,—and you shall ogle

her all day and sit up all night to write sonnets on her beauty." The question of conscience ordinarily fares no better in the courts, in the customary tilting there in defence of suspected innocence.

The case which now exercised the mediation of Wirt was that of a man, by the name of Swinney, charged with the crime of poisoning the venerable Chancellor Wythe, who had just died in Richmond, under circumstances which led to a strong suspicion of the guilt of the accused. Chancellor Wythe was one of the best men the country ever produced. Distinguished for the simplicity of his character, his bland and amiable manners, his uprightness and steadfast devotion to duty, he was universally beloved in the society of Richmond.

I am indebted to a most estimable lady, the wife of Judge Cabell, of Richmond, the President of the Court of Appeals of Virginia,* to both of whom frequent reference will be found in these memoirs, for some recollections of the Chancellor which very agreeably confirm what has been often said of his gentle and philanthropic temper; and which will also afford melancholy testimony as to the foul deed which is supposed to have terminated his life.

This lady, in a letter to her sister, Mrs. Wirt, says:—"You and I may remember the trouble he gave himself to entertain the visiters of his young niece, Miss Nelson, who lived with him a few years. She and all of us were almost children, and few grown men would have found any interest in staying in the room where we were. But the good old gentleman brought forth his philosophical apparatus and amused us by exhibiting experiments, which we did not well comprehend, it is true, but he tried to make us do so, and we felt elevated by such attentions from so great a man.

* William H. Cabell, the gentleman here alluded to, now at the head of the Bench of Virginia, crowned with the richest honours of a ripe old age, and surrounded by an affectionate circle of friends, married Agnes, the eldest daughter of Col. Gamble, and sister of Mrs. Wirt. He represented Amherst county in the Legislature of Virginia from 1795 to 1805, except during three years of this interval. In 1805 he was elected Governor of the State, and at the expiration of three years was appointed to the Bench of the General Court. He was transferred, in 1811, to the Court of Appeals, of which he is at this time (1849) the President. The connection between him and Mr. Wirt, laid the foundation of an intimate friendship, which was increased with every succeeding year until death dissolved it. Many proofs of this may be found in the correspondence to which our narrative hereafter refers. In this intimacy, it will be seen also, that Joseph Cabell, the brother of the Judge, largely participated.

"To test the theory that there was no natural inferiority of intellect in the negro, compared with the white man, he had one of his own servant boys and one of his nephews both educated exactly alike. I believe, however, that neither of them did much credit to their teacher.

"The young men who studied law with him, or who were occupied in his service, were all devoted to him. Henry Clay was one of them. The Chancellor lived to a very old age. In his appearance he was thin, rather tall, but stooped from age and debility, as he walked to and from the Capitol to his own house. He generally lived alone, but in his latter years he had a nephew with him to whom he intended to bequeath his estate. This was Swinney. The common belief was that this man, being impatient for his uncle's money, poisoned him. He was tried for his life. Mr. Wirt was his lawyer, and he was acquitted. Yet there was but little doubt of his guilt in the minds of most persons. The cook said that he came into the kitchen and dropped something white into the coffee-pot, making some excuse to her for doing so. She and another servant partook of the coffee. I have heard that the latter died in consequence. The coffee-grounds being thrown out, some fowls ate of them and died. The unhappy old gentleman lived long enough after taking the coffee to alter his will, so that the suspected man got no portion of his estate at last. The coffee-grounds were examined, and arsenic was found in abundance mingled with them."

This little sketch presents the outlines of the case, as it was developed at the trial and in the investigations of the day.

Wirt's doubts, to which I have alluded, upon the propriety of engaging in the defence of Swinney, are told in the following letter written from Williamsburg, after he had engaged his house in Richmond, and in the moments of his removal thither.

TO MRS. WIRT.

WILLIAMSBURG, July 13, 1806.

* * * * * * *

"I have had an application made to me yesterday, which embarrasses me not a little, and I wish your advice upon it. I dare say you have heard me say that I hoped no one would undertake the de-

fence of Swinney, but that he would be left to the fate which he seemed so justly to merit. Judge Nelson, himself, has changed, a good deal, the course of my opinions on this subject, by stating that there was a difference in the opinion of the faculty in Richmond as to the cause of Mr. Wythe's death, and that the eminent McClurg, amongst others, had pronounced that his death was caused simply by bile and not by poison. I had concluded that his innocence was possible, and, therefore, that it would not be so horrible a thing to defend him as, at first, I had thought it. But I had scarcely made up my mind on this subject, little supposing that any application would be made to me. Yesterday, however, a Major A. M., a very respectable gentleman, and an uncle to Swinney on the mother's side, came down in the stage from Richmond, and made that application in a manner which affected me very sensibly. He stated the distress and distraction of his sister, the mother of Swinney; said it was the wish of the young man to be defended by me, and that if I would undertake it it would give peace to his relations. What shall I do? If there is no moral or professional impropriety in it, I know that it might be done in a manner which would avert the displeasure of every one from me, and give me a splendid *debut* in the metropolis. Judge Nelson says I ought not to hesitate a moment to do it; that no one can justly censure me for it; and, for his own part, he thinks it highly proper that the young man should be defended. Being himself a relation of Judge Wythe's, and having the most delicate sense of propriety, I am disposed to confide very much in his opinion. But I told Major M., I would take time to consider of it, and give him an answer, at the farthest, in a month. I beg you, my dear B., to consider this subject, and collect, if you can conveniently in conversation, the opinions of your parents and Cabell, and let me hear the result. My conduct through life is more important to you and your children than even to myself; for to my own heart I mean to stand justified by doing nothing that I think wrong. But, for your sakes, I wish to do nothing that the *world* shall think wrong. I would not have you or them subject to one reproach hereafter because of me."

* * * * * *

On such a question as is here proposed—indeed on most questions of conduct or duty, — the sensibility of an intelligent and virtuous woman is often worth more than all the dialectics of the most accomplished casuist, to discern what it best becomes us to do in a matter that touches our reputation. Her feelings are but the quick perceptions of a heart that reasons better than the mind. Guided by the instinctive love, characteristic of her sex, of what is beautiful, not less in moral than in physical life, she lights upon her conclusion with a rapidity and a truth which outstrip all argument in speed, and

often, in equal degree, surpass it in wisdom. When this judgment is stimulated by the affectionate anxiety of a wife, it is even less apt to stray into error: the very tenderness of her relation renders it the more impartial.

How it fared in regard to Swinney's case, is told in a passage from a letter written within ten days after the last. * * * "I shall defend young Swinney under your counsel. My conscience is perfectly clear, from the accounts I hear of the conflicting evidence. Judge Nelson again repeats, on consideration, the opinion he before gave me as to the perfect propriety of the step."

Swinney, as we have seen, was tried and acquitted. I have no record to furnish me the grounds of this acquittal, much less to enable me to say any thing of "*the splendid debut*" which Wirt anticipated.

It is not unlikely that the trial terminated in favour of the accused from a defect in the evidence, by no means unusual in those states, whose statutory law disqualifies a witness from giving testimony, upon objections founded merely in the race or blood of the person acquainted with the facts. The cook in this case, who seems to have been, perhaps, the only direct witness, we may conjecture, was a negro, and forbidden to be heard in a court of justice. If this be the real cause of the acquittal, it presents a very striking and cogent example of the impolicy of a law so prevalent in the United States. It may well be questioned, whether more inconvenience and mischief do not result from such legal restraints as disable our familiar servants from testifying to the thousand transactions in which our interest is concerned, and under circumstances that scarcely admit of other testimony, than can be compensated by any supposed good which may properly be ascribed to the disqualification. Is there, in fact, any just ground of policy in shutting off the only testimony by which innocence may be proved, guilt established, or common matters of right determined? Are not courts and juries sufficiently able to judge of the credibility of a witness in every case?

We pass from these speculations to the regular course of our narrative.

Wirt was passionately fond of music, and devoted a portion of his time to its cultivation throughout every period of his life. The

following playful letter was written to commend a teacher of the art to a friend of his in Williamsburg who was at the head of an academy there.

TO LEROY ANDERSON.

RICHMOND, September 25, 1806.

DEAR SIR:

Your two favours were received together, yesterday. It is well for me they were so; for having no pretensions to poetry, either Ossianic or Horatian, I should have been very much at a loss how to answer your first, if it had come alone. I was disposed to ask myself how it was possible for you to write so fine a rhapsody on two such subjects as B—— and myself, until I recollected the answer of the poet Waller to Charles II., when asked why he had produced so superior an ode on the death of Cromwell, to that in which he had celebrated his own restoration? "because poetry excels in fiction." But your last has let me down to the tone of business, and made me feel myself at home.

I know Vogel, he gave several lessons to Mrs. Wirt in Richmond and in Norfolk. I have also frequently heard him play alone, and can safely pronounce him the finest male performer on the piano that I have ever heard. But like his predecessor B—— he is a son of Anacreon;—not that his potations are either so frequent or so deep as poor B——'s; but the ladies, his scholars in Norfolk, sometimes complained of neglect, which was attributed to frolics over-night. In Williamsburg he will have fewer temptations, and I dare say will do better.

There is a little fellow here, by the name of ——, of whose skill in music the ladies and other connoisseurs of Richmond speak very highly. But he is only about seventeen, and they tell me (for I have not seen him) a perfect Adonis. I would speak to him in the manner you direct, but that I remember a novel called "Miss Beverly," which I read when a boy. She is represented as the daughter of respectable parents, who, at the budding age, had a young beau introduced into the house as her music-master. Her fancy was set agog by him, and never rested afterwards. This to be sure is fiction, but it is in nature; and I should apprehend that such a fellow as —— is said to be, might put to flight the

"Quips and cranks and playful wiles
Nods and becks and wreathed smiles"

of your academy, and introduce the sigh and tear of midnight in their place. Nevertheless, if you say so, instruct me, and I will speak to him.

On further recollection, there is, I think, a Mrs. C—— here, who also teaches music. I will know with certainty before next week, and whether she will be willing to remove to Williamsburg, on the terms you propose. Her answer I will deliver in person, and you may choose between her and Vogel.

Poor B——! I am really sorry for him, for he was a harmless being, with as gentle a soul as any man ever had. But I dare say "death came like a friend to release him from pain." In the Elysian shades he may rove and feast on harmony among spirits as gentle as his own, unmolested by any painful remembrance of home and the discordant shrieks of his Alecto. Suppose you give him an epitaph or a monody.

I am much obliged to you for the concern which you express for my health. It was a slight touch of the ague and fever: a mere piece of ceremony by way of conferring on me the freedom of the city. It is entirely over.

With the best wishes for your prosperity and happiness,

I am, dear sir,

Your friend and servant,

WM. WIRT.

Francis Walker Gilmer, whom we have heretofore noticed, was now approaching to manhood. He had resolved to devote his studies to the science of medicine, and had partially entered upon that pursuit. It will be seen hereafter that he found reason, at a later period of his life, to change this profession for the law, in which he gave the strongest promise of eminent success. Mr. Wirt had not so far alienated himself from the memory and attachments of Pen Park as to lose his interest in the family which yet inhabited there. Death had made his usual ravages in the family circle, but the heart of him who had been so tenderly fostered under that roof, lost nothing of its original reverence for those who were departed, nor of its kind solicitude for the welfare of those who survived. This interest was cherished on both sides by frequent correspondence, but more particularly by that with Francis, who had grown to be an especial favourite with his brother-in-law. In this letter we get some agreeable glimpses of Pen Park and its inmates.

TO FRANCIS W. GILMER.

RICHMOND, October 9th, 1806.

MY DEAR FRANCIS:

Your favour of the 4th ult. came regularly to hand, and gave me all the pleasure you wished and intended. It has been lying ever

since, in the drawer of my writing-chair, waiting for an interval of leisure to answer it. I am sure I need not tell you what a source of delight it is to me, to receive these assurances that my brothers and sisters of Albemarle still regard me as one of the same family, although sundered from them by my destiny. The misfortunes of Pen Park have, indeed, scattered us all most wofully, and placed us in every variety of circumstances and situation. Let it be the object of the survivors to soften these misfortunes and their consequences, as well as they can, by cherishing for each other the most cordial affection, and reciprocally plucking from the path of life each thorn of care and sorrow as we go along. You, my dear Francis, and your brothers, will have a farther, and, if possible, a still sweeter office to perform. To raise the name of Gilmer from the tomb, and crown it with fresh honours. I have seen that name honoured, and highly honoured, for genius, science, and virtue. The recollection is very dear to my heart. For what is lost, I console myself with the hope that I shall live to see the day, when the family will rise to all its former reputation for superior endowments, both of the mind and heart; and even bloom with more extended and diversified honours. The genius of the family is not lost. I am charmed to see it inherited in such abundance, and I cannot believe that its inheritors will, for want of energy and enterprise, fail to replace it on the roll of fame.

Peachy, I hear, is contributing his quota towards its restoration, by making very strenuous and successful exertions in Henry county. He has a good deal of his father's cast of character, and, among other qualities, will, I think, possess the same manly and impressive eloquence for which he was remarkable. The bar will afford him a field for its display which his father had not. And therefore, if his exertions continue, he cannot fail to enlarge the sphere of the family distinction on this head. You, I understand, purpose to follow your father's profession. The science of medicine is, I believe, said to be progressive, and to be daily receiving new improvements. You will therefore have a wide field to cultivate, and will take the profession on a grander scale. It will be your own fault, therefore, if you do not, as a physician, fill a larger space in the public eye. But the space which your father occupied was filled not merely by his eminence as a physician, (although he was certainly among the most eminent); he was, moreover, a good linguist, a master of botany, and the chemistry of his day, had a store of very correct general science, was a man of superior taste in the fine arts, and, to crown the whole, had an elevated and a noble spirit. In his manners and conversation he was a most accomplished gentleman; easy and graceful in his movements, eloquent in speech; in temper, gay and animated, and inspiring every company with his own tone; with wit pure, sparkling, and perennial; and when the occasion called for it, uttering sentiments of the highest dignity, and utmost force. Such was your father,

before disease had sapped his mind and constitution, and such the model which, as your brother, I would wish you to adopt. It will be a model much more easy for you to form yourself on, than any other, because it will be natural to you; for, I well remember to have remarked, when you were scarcely four years old, how strongly nature had given you the cast of your father's character. If he had lived and enjoyed his health until you had grown to manhood, you would have been his exact counterpart. All that you can do now is, to form to yourself by the descriptions of others, an exact image of your father in his meridian, and even, if possible, to surpass him.

Endeavour to cultivate that superior grace of manners which distinguishes the gentleman from the crowd around him. In your conversation, avoid a rapid and indistinct utterance, and speak deliberately and articulately. Your father was remarkable for his clear and distinct enunciation, and the judgment with which he placed his emphasis. Blend with the natural hilarity of your temper, that dignity of sentiment and demeanour, which alone can prevent the wit and humourist from sinking into a trifler, and can give him an effective attitude in society.

Get a habit, a *passion* for reading, not flying from book to book, with the squeamish caprice of a literary epicure, but according to the course which Mr. Robertson will prescribe to you. Read systematically, closely, and thoughtfully; analyzing every subject as you go along, and laying it up carefully and safely in your memory. It could have been only by this mode that your father gained so much correct information on such a variety of subjects. Determine with yourself that no application shall be wanting to lift you to the heights of public notice; and, if you find your spirits and attention beginning to flag, think of being buried all your life in obscurity, confounded with the gross and ignorant herd around you. But there are yet more animating and more noble motives for this emulation; the power of doing more extensive good, by gaining a larger theatre and increasing the number of objects; the pure delight of hearing one's self blessed for benevolent and virtuous actions; and, as a still more unequivocal and rapturous proof of gratitude, "reading that *blessing* in a nation's eyes:" add to this, the communicating the beneficial effects of this fame to our friends and relations; the having it in our power to requite past favours, and to take humble and indigent genius by the hand, and lead it forward to the notice of the world. These are a few, and but a few, of the good effects of improving one's talents to the highest point by careful and constant study, and aspiring to distinction.

I am very much pleased with your letter. You read the classics with a discrimination of taste and judgment unusual at your years, and therefore the more honourable to you. I concur with you in your remarks upon the Æneid of Virgil as well as the Odes of

Anacreon. I am fond of a vivid picture, painted to the fancy, such as Virgil's storm. Anacreon, too, is thought a good describer, in his way; but his way is a very bad one, and his odes can be estimated and enjoyed only by the debauchee who has himself rolled in the sensualities on which alone the genius of Anacreon seems to have luxuriated. I hope you will never possess this test for judging his merit. You will gratify me by writing to me often, and if you will allow me to write to you like an elder brother, who would wish you to profit by his own experience, and to attain all those honours which he has missed, you shall hear from me as often as I can find a leisure hour. My love to our brothers and sisters when you see them. Let me be remembered to Mr. and Mrs. Meriwether and Mr. R. Robertson; all of whom I very much esteem.

Your friend and brother,

WM. WIRT.

CHAPTER XIII.

1807.

AARON BURR BROUGHT TO RICHMOND.—INDICTED FOR TREASON.—WIRT RETAINED AS COUNSEL BY THE GOVERNMENT.—THE TRIAL.—SOME OF ITS INCIDENTS.—THE ASPERITY OF COUNSEL.—EXTRACTS OF THE ARGUMENT.

THE year 1807 is memorable in the life of Wirt as the year of the trial of Aaron Burr.

Burr's conspiracy is one of the most extraordinary incidents connected with the history of this country. Whether it were the mere dream of a bold, ambitious and wicked citizen, or his meditated and prepared enterprise, enough has been brought to light, in the investigation of that incident, to excite the amazement of every one, that a man so eminent, so gifted with splendid talents, and so able to appreciate the character and temper of the American people, should have permitted himself to fall into the infatuation of even an idle speculation upon his power to accomplish what, from all the evidence which has been divulged, we are hardly at liberty to disbelieve was his purpose.

It seems certain that Burr entertained some visionary notion of his ability to produce a revolution in the government at the Capital; that he talked familiarly of expelling the President; and, with no more than "the Marine Corps" at Washington, of driving, if need were, the Congress "into the Potomac." That he abandoned this project for one which he supposed more practicable—the separation of the Union and the erection of a Western Confederacy beyond the Allegany. That finding this, upon more mature reflection, somewhat too arduous for his means, he finally sought the gratification of his restless and too prurient desire of fame, in a scheme to invade Mexico and make himself master of those fair domains.

The ill-will engendered, particularly throughout the Southern States, against Spain, by her offensive policy in regard to the navigation of the Mississippi, and her still more offensive proceedings afterwards, and the constant expectation of a collision with that power, furnished a basis for this scheme of Burr's, which gave it a substantial aspect, and brought it within the category of things of probable accomplishment. The other schemes were but the madness of the moon, in comparison.

Mr. Jefferson had, with most commendable caution and address, though not without great difficulty, restrained the exasperated spirit of our people from an assault upon the Spanish provinces beyond the Mississippi;—an assault which would, at that day, have anticipated the brilliant achievements which have recently placed an American army in the ancient city of Mexico. Then, as now, it would only have been necessary for the government to give permission to the thousands and tens of thousands who find in war a pastime and a profit, to have overrun Mexico with the force of a torrent.

"No better proof," says Mr. Jefferson, in a letter to Mr. Bowdoin, "of the good faith of the United States could have been given, than the vigour with which we have acted, and the expense incurred, in suppressing the enterprise meditated lately by Burr against Mexico. Although, at first, he proposed a separation of the Western country, and on that ground received encouragement and aid from Yrujo, according to the usual spirit of his government towards us, yet he very early saw that the fidelity of the Western country was not to be shaken, and turned himself wholly towards Mexico. And so popular

is an enterprise on that country in this, *that we had only to lie still, and he would have had followers enough to have been in the city of Mexico in six weeks.*"

In a letter, afterwards, to La Fayette, he remarked, "nothing has ever so strongly proved the innate force of our form of government as this conspiracy. Burr had probably engaged one thousand men to follow his fortunes, without letting them know his projects, otherwise than by assuring them the government approved of them. The moment a proclamation was issued, undeceiving them, he found himself left with about thirty desperadoes only. The people rose in mass wherever he was, or was suspected to be, and, by their own energy, the thing was crushed in one instant, without its having been necessary to employ a man of the military, but to take care of their respective stations. His first enterprise was to have been to seize New Orleans, which he supposed would powerfully bridle the upper country, and place him at the door of Mexico. It is with pleasure I inform you that not a single native Creole, and but one American, of those settled there before we received the place, took any part with him. His partisans were the new emigrants from the United States and elsewhere, fugitives from justice or debt, and adventurers and speculators of all descriptions."

Burr had been arrested in January, on the Mississippi; had been subjected to an examination at Washington, in Mississippi Territory, and detained in custody to be sent to the capital of the United States. He had escaped from this custody, and was soon afterwards arrested near Fort Stoddard on the Tombigbee, making his way to Mobile Upon this he was conducted to Richmond, to be tried on a charge of high treason. He arrived here on the 26th of March. Wirt was then in Williamsburg. A letter from him to his wife, on the 20th, alludes to the fact of Burr's expected trial.

"Your letter gave me the first tidings of the apprehension of Burr, and his being sent to Richmond. This was news indeed. Since I came here this evening, I understand he arrived in Richmond on Thursday night, in the same disguise in which he was apprehended; and, farther, that he has engaged Randolph and Wickham in his defence. I should not be much surprised if he is discharged on a petition to the judge, or let to bail, and make his escape again. If the

man is really innocent, these persecutions will put the devil in his head, unless he is more than man in magnanimity."

The primary examination of the prisoner was made before Chief Justice Marshall, on the 30th and 31st of March. This was conducted by Cæsar A. Rodney, the Attorney-General of the United States, and George Hay, the Attorney for the District of Virginia; Messrs. Wickham and Randolph appearing for Burr. The result was, a commitment upon the charge of a misdemeanour in setting on foot a military expedition against the dominions of the King of Spain,—the court refusing to include in the commitment the charge of treason which had been urged by the counsel for the United States.

Colonel Burr was in consequence admitted to bail upon a recognizance to appear in the Circuit Court at its next term on the 22d of May.

The case was again taken up at the appointed day, the Chief Justice and Judge Griffin presiding in the court. Colonel Burr now appeared with two additional counsel, Messrs. Botts and Baker. On the part of the prosecution, Mr. Rodney having withdrawn, Mr. Hay was assisted by Mr. Wirt and Mr. MacRae.

A grand jury, consisting of some of the most eminent citizens of Virginia, with John Randolph of Roanoke, as the foreman, was sworn on that day. After several adjournments and many protracted discussions between the counsel, upon the nature of the evidence to be submitted to them, and on other collateral topics, the grand jury finally, on the 24th of June, brought in indictments, both for treason and misdemeanour, against Aaron Burr and Herman Blennerhasset, which were followed, in two days, by similar indictments against Jonathan Dayton, John Smith, Comfort Tyler, Israel Smith and Davis Floyd.

Colonel Burr, on the same day that these last indictments were presented, pleaded not guilty, and the trial was postponed until the 3d of August.

Without saying more, at present, as to the incidents of the trial, or making any reference to the facts brought into proof, or the points of law discussed, it will be sufficient to note that a most elaborate and profound opinion was delivered by the Chief Justice, which ex-

cluded from the case, as it was affirmed, a large amount of testimony which might have shown Burr's intentions, and thus, on the 1st of September, put an end to the trial on the indictment for treason. The verdict was: "We of the jury say that Aaron Burr is not proved to be guilty under this indictment, by any evidence submitted to us. We therefore find him not guilty."

The indictment for the misdemeanour, met the same fate. The opinion of the court, in that case, excluded the testimony relied on, and the jury again found a verdict of not guilty.

Upon this, the traverser was committed and held to bail, to answer in Ohio, on the charge of setting on foot and providing the means for a military expedition against the territories of Spain.

In a letter of Colonel Burr's, to his daughter, dated October 23, 1807, we find the following notice of the event:

"After all, this is a drawn battle. The Chief Justice gave his opinion on Tuesday. After declaring that there were no grounds of suspicion, as to the treason, he directed that Burr and Blennerhasset should give bail in three thousand dollars, for further trial in Ohio. The opinion was a matter of regret and surprise to the friends of the Chief Justice, and of ridicule to his enemies,—all believing that it was a sacrifice of principle to conciliate Jack Cade. Mr. Hay immediately said that he should advise the government to desist from further prosecution. That he has actually so advised, there is no doubt."

The conduct of Burr, throughout the trial, was in keeping with this insinuation against the firmness and integrity of Chief Justice Marshall. There is apparent, in his demeanour, during the trial and before it, an affectation of innocence, which, under the circumstances, almost partakes of insolent defiance, and which very significantly accords with the bold and confident character of his whole scheme. He seems to have regarded his enterprise almost as an act of beneficence to the country, and the attempt to arrest it, as somewhat in the light of insult and persecution. "You have read to very little purpose," he says, in a letter to his daughter, during the pendency of the trial, "if you have not remarked that such things happen in all democratic governments. Was there in Greece or Rome, a man of virtue and independence, and supposed to possess great talents, who was not the object of vindictive and unrelenting persecution?"

And again,

"I want an independent and discerning witness to my conduct, and to that of the government. The scenes which have passed, and those about to be transacted, will exceed all reasonable credibility, and will hereafter be deemed fables, unless attested by very high authority."

These are curious revelations of feeling, in contrast with the facts divulged upon the trial. Judge Marshall, — whose opinions in this case were, like all the other exhibitions of his judicial character, fraught with the calm and impartial spirit of justice itself, and distinguished for their legal shrewdness and depth,—did not escape some animadversions from the side of the government, as well as this of the prisoner; but the country has not failed to render full honour to the purity, as well as the wisdom, of the mind which guided the issues of this celebrated trial.

We come now to present some of the leading features of the case, so far as Wirt's participation in it may be of interest. In doing this I shall make a few extracts from his speeches, by no means designing to fatigue the reader with a detail either of the facts or the law of the case, which, indeed, may only be properly understood by a reference to the trial itself. But as Wirt obtained by his labours in this trial a large increase of popularity, both at the bar and with the country, it will not be considered as inappropriate to the subject before us, to cull from the report of it such passages or incidents as may be characteristic of the counsel whose name has become so favourably connected with it.

The trial was remarkable for the asperity with which it was conducted on both sides. Almost in the first stage of its progress, the court was obliged to comment upon the temper displayed by counsel.

An application was made by Col. Burr for a subpœna to the President of the United States, with a clause requiring him to produce a letter which he had received from Gen. Wilkinson, dated 21 October, 1806; and also to produce copies of certain orders which had been issued by the government relative to the arrest.

This application was resisted on one ground, amongst others, that the relevancy or materiality of the papers referred to was not shown, —the affidavit in the case being "that the said letter *may* be material" to the defence. A long debate ensued.

MR. WIRT said, in the course of this debate—"We do not deny that a subpœna may be issued to summon the President, and that he is as amenable to that process as any other citizen.

* * I shall show that the *subpœna duces tecum* is not a process of right, but that the application is addressed to the discretion of the court—

"MR WICKHAM.—This is admitted.

"MR. WIRT.—I thank you for the admission. You have relieved me from the unnecessary trouble of so much of my argument. The question then is, by what circumstances should that discretion be controlled? Should it be by the mere wish of the prisoner? If so, it is in vain that the court possesses any discretion on the subject. The prisoner has but to ask and have. Consider this wide and bold doctrine on the ground of expediency. Would you summon any private individual, from the remotest part of the United States, to produce a paper on the mere wish of the prisoner, without defining the paper, and showing how it bore on his defence? If you would, you put the pursuits and the peace of every individual in the United States at the mercy of the prisoner's caprice and resentments. This argument from inconvenience assumes an attitude of most awful and alarming importance, when you extend it to a case like this before the court. A prisoner has seldom any cordial amity for the government by which he is prosecuted for a crime. The truth is, he feels himself in a state of war with that government, and the more desperate his case, the more ardent will be his spirit of revenge. Would you expose the offices of state to be ravaged at the mere pleasure of a prisoner, who, if he feels that he must fall, would pant for nothing more anxiously than 'to grace his fall and make his ruin glorious,' by dragging down with him the bright and splendid edifice of the government? Sir, if Aaron Burr has the right, at his mere wish, to call one paper from the government, he has the same right to call any other; and so, one after another, might divulge every document and secret of state, however delicate our foreign relations might be, and however ruinous the disclosure to the honour and prosperity of the country.

"It is much to be wished that a rule could be devised which, while it would protect the rights of the prisoner, should also protect the public offices from being wantonly and unnecessarily violated. I

think there is such a rule. It is this: By requiring that the prisoner, who calls for a paper, should show that the paper applies to his case and is requisite for his defence. When he shall have done this, I hold that he is entitled to call for any paper. It will then rest with the President of the United States, the officer appointed by the people to watch over the national safety, to say whether that safety will be endangered by divulging the paper.

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"Again, sir. I have never seen or heard of an instance of this process being required to bring forward any paper, but where such a paper was in its nature evidence, for which either party had an equal right to call, and to use it when produced. But it is obvious that, in this case and in the present state of things, we could not use the letter of General Wilkinson as evidence; although the opposite party should obtain his subpœna *duces tecum* for this paper, and would seem thereby to have made it evidence, and introduced it into the cause. Yet after it comes we cannot use it: hence there is no reciprocity in it. The paper is not, at present, evidence, and therefore is not within the principle on which this process is awarded. One more remark on this letter, and I have done with it. I am no more an advocate for the needless multiplication of state secrets, than the gentleman who has preceded me. It looks too much like the mysteries of monarchy; and I hate monarchy with all its mysteries, as I do the mysterious movements of those who are lovers of monarchy. Yet it is obvious, that there may be cases in which the very safety of the state may depend on concealing the views and operations of the government. I will instance this very letter. I do not know what it contains; but it is from the general who commands on the Spanish frontier. That the state of our affairs was and is, with Spain, not the most amicable is well understood. We know that our affairs in that quarter wear, even at this time, the most lowering aspect. Suppose this letter should contain a scheme of war, a project of attack, — would it be proper to divulge and proclaim it even to Spain herself? If the letter contains such a thing, I have no doubt that the President ought to and will conceal at least so much of it. This, however, will be a question with him, when the paper shall be called for; and a question which he alone is competent to decide.

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"I cannot take my seat, sir, without expressing my deep and sincere sorrow at the policy which the gentlemen in the defence have thought it necessary to adopt. As to Mr. Martin, I should have been willing to impute this fervid language to the sympathies and resentments of that friendship which he has taken such frequent occasions to express for the prisoner, his *honourable friend*. In the cause of friendship I can pardon zeal even up to the point of intemperance; but the truth is, sir, that before Mr. Martin came to Richmond, this policy was settled; and on every question incidentally brought before the court, we were stunned with invectives against the administration. I appeal to your recollection, sir, whether this policy was not manifested even so early as in those new and until now unheard of challenges to the grand jury for favour. Whether that policy was not followed up with increased spirit, in the very first speeches which were made in this case; those of Mr. Botts and Mr. Wickham on their previous question pending the attorney's motion to commit? Whether they have not seized with avidity every subsequent occasion, and on every mere question of abstract law before the court, flew off at a tangent from the subject, to launch into declamations against the government? Exhibiting the prisoner continually as a persecuted patriot: a Russell or a Sidney, bleeding under the scourge of a despot, and dying for virtue's sake! If there be any truth in the charges against him, how different were the purposes of his soul from those of a Russell or a Sidney! I beg to know what gentlemen can intend, expect, or hope, from these perpetual philippics against the government? Do they flatter themselves that this court feel political prejudices which will supply the place of argument and innocence on the part of the prisoner? Their conduct amounts to an insinuation of the sort. But I do not believe it. On the contrary, I feel the firm and pleasing assurance, that as to the court, the beam of their judgment will remain steady, although the earth itself should shake under the concussion of prejudice. Or is it on the bystanders that the gentlemen expect to make a favourable impression? And do they use the court merely as a canal, through which they may pour upon the world their undeserved invectives against the government? Do they wish to divide the popular resentment, and diminish thereby their own quota? Before the gentlemen arraign the administration,

let them clear the skirts of their client. Let them prove his innocence; let them prove that he has not covered himself with the clouds of mystery and just suspicion; let them prove that he has been all along erect and fair, in open day, and that these charges against him are totally groundless and false. That will be the most eloquent invective which they can pronounce against the prosecution; but until they prove this innocence, it shall be in vain that they attempt to divert our minds to other objects, and other inquiries. We will keep our eyes on Aaron Burr, until he satisfies our utmost scruple. I beg to know, sir, if the course which gentlemen pursue is not disrespectful to the court itself? Suppose there are any foreigners here, accustomed to regular government in their own country, what can they infer from hearing the federal administration thus reviled to the federal judiciary? Hearing the judiciary told, that the administration are '*blood-hounds*, hunting this man with a keen and savage thirst for blood; that they now suppose they have hunted him into their toils, and have him safe.' Sir, no man, foreigner or citizen, who hears this language addressed to the court, and received with all the complacency at least which silence can imply, can make any inferences from it very honourable to the court. It would only be inferred, while they are thus suffered to luxuriate in these gross invectives against the administration, that they are furnishing the joys of a Mahometan paradise to the court as well as to their client. I hope that the court, for their own sakes, will compel a decent respect to that government of which they themselves form a branch. On our part, we wish only a fair trial of this case. If the man be innocent, in the name of God let him go; but while we are on the question of his guilt or innocence, let us not suffer our attention and judgment to be diverted and distracted by the introduction of other subjects foreign to the inquiry."

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"Mr. Wickham appealed to the court if the counsel for Colonel Burr had been the first to begin the attack, and wished the gentleman to follow his own wise maxims.

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"All that Colonel Burr is obliged to show, is probable cause to believe that Wilkinson's letter may be material. Mr. Wirt has said,

that the acquittal of Colonel Burr will be a satire on the government. I am sorry that the gentleman has made this confession, that the character of the government depends on the guilt of Colonel Burr. If I believed him to be correct, I could easily explain, from that circumstance, the anxiety manifested to convict him, and the prejudices which have been excited against him. But I will not believe that this is the case, and will tell the gentleman that we think Burr may be acquitted, and yet the government have pure intentions.

"The writ of *subpœna duces tecum* ought to be issued, and if there be any state secrets to prevent the production of the letter, the President should allege it in his return; for, at present, we cannot know that any such secrets exist. The court, when his return is before them, can judge of the cause assigned. But I have too good an opinion of the President to think he would withhold the letter.

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"We contend that no affidavit on the part of Colonel Burr is necessary. Wilkinson's affidavit, already published, together with the President's communication to Congress, prove that the letter in question must be material. It may show that the treasonable transactions attributed to Colonel Burr, within the limits of this state, never existed; for, as to Blennerhasset's island, the gentlemen in the prosecution *know* there was no such thing as a military force on that island.

["Here Mr. HAY interrupted him, and said that it was extremely indelicate and improper to accuse them of voluntarily supporting a cause which they knew to be unjust. He solemnly denied the truth of the charge against him and the gentleman who assisted him, and declared that they could prove the actual existence of an armed assemblage of men on Blennerhasset's island, under the command of Aaron Burr.]

"Mr. Wickham acknowledged that he had gone too far in the expression he had used, and ought not to have uttered what he had said concerning the counsel for the United States, and declared that he meant nothing personal against them."

Upon the conclusion of Mr. Wickham's speech, the Chief Justice remarked, "that although many observations, in the course of the several discussions which had taken place, had been made by the

gentlemen of the bar, in the heat of debate, of which the court did not approve, yet the court had hitherto avoided interfering; but, as a pointed appeal had been made to them on this day (alluding to the speech of Mr. Wirt), and they had been called upon to support their own dignity by preventing the government from being abused, the court thought it proper to declare that the gentlemen on both sides had acted improperly in the style and spirit of their remarks; that they had been to blame in endeavouring to excite the prejudices of the people; and had repeatedly accused each other of doing what they forget they have done themselves The court therefore expressed a wish that the counsel for the United States and for Colonel Burr would confine themselves, on every occasion, to the point really before the court; that their own good sense and regard for their characters required them to follow such a course; and it was hoped that they would not hereafter deviate from it."

Mr. HAY, referring to the orders of the government for the suppression of Burr's expedition, which were called for, in connection with the letter of General Wilkinson, remarked:

"They next contend that the orders are material, because they were illegal, arbitrary, unconstitutional, oppressive, and unjust; that Burr's acts were merely acts of self-defence against tyranny and usurpation, and, of course, were justifiable.

"Many strange positions have been laid down, but this is monstrous. Mr. Martin will excuse me for saying that I expected sounder doctrine from his age and experience. These principles were not learnt by him in Maryland, nor are they the doctrines of this place. Considering that he has come all the way from Maryland to enlighten us of the Virginia bar by his great talents and erudition, I hoped he would not have advanced a doctrine which would have been abhorred, even in the most turbulent period of the French revolution, by the Jacobins of 1794."

From Luther Martin's argument we extract a portion of his reply to Mr. Hay.

"The gentleman has told us," he said, "that respect ought to be paid to the officers of government. It is granted. I thought so once. I thought that the officers of government ought to be treated with high respect, however much their conduct ought to be the subject of

criticism; and I invariably acted according to that principle. If I have changed my opinion, I owe it to the gentleman himself, and the party he is connected with. They formerly thought differently. That gentleman and his friends so loudly and incessantly clamoured against the officers of government, that they contributed to effect a change in the administration, and are now, in consequence, basking in the sunshine of office; and therefore they wish to inculcate and receive that respect which they formerly denied to others in the same situation. We have a right to inspect the orders issued from the War and Navy Departments; because, if they were illegal, we had a right to oppose them. If they were unconstitutional and oppressive, it was right to resist them: but this is denied, because we are not trying the President. God forbid we should! But we are trying if we had a right to resist. If every order, however arbitrary and unjust, is to be obeyed, we are slaves as much as the inhabitants of Turkey. If the presidential edicts are to be the supreme law, and the officers of the government have but to register them, as formerly in France, (the country once so famed by these gentlemen for its progress and advancement towards liberty;) and if we must submit to them, however unjust and unconstitutional, we are as subject to despotism as the people of Turkey, the subjects of the "*Grand Monarque*" of old in France, or those of the despot Bonaparte at this day. If this were true, where would be our boasted freedom? where the superior advantages of our government, or the beneficial effects of our revolutionary struggles? I will take the liberty of explaining how far resistance is justifiable. The President has certain known and well-defined powers; so has a common magistrate, and so has a constable. The President may exceed his legal authority, as well as a magistrate or a constable. If a magistrate issue a warrant and direct it to a constable, resistance to it is at the peril of the person resisting. If the warrant be illegal, he is excused; but if it be legal, he is not. On the same principle, resistance to the orders of the President is excusable, if they be unconstitutional and illegal. Resistance to an act of oppression, unauthorised by law, can never be criminal; and this is all we contend for."

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"The gentleman expressed his surprise that such doctrines should come from me, who come from Maryland to instruct and enlighten

the Virginia bar. I come not to instruct and enlighten. I come to unite my feeble efforts with those of other gentlemen in defence of my friend, whom I believe to be perfectly innocent of the heavy charges against him; but their conduct evinces, that if I were to attempt it, my instructions would be in vain. If, however, I did venture to advise him, it would be, not to accuse us of evil intentions; to mix a little of the milk of human nature with his disposition and arguments; to make his conduct conformable to his professions, and not to be perpetually imputing guilt to us. But the gentleman needs no advice."

The opinion of Chief Justice Marshall upon the questions submitted in this debate, thus disposes of the principal point under discussion:—

"The second objection is, that the letter contains matter which ought not to be disclosed.

"That there may be matter, the production of which the court would not require, is certain; but that, in a capital case, the accused ought, in some form, to have the benefit of it, if it were really essential to his defence, is a position which the court would very reluctantly deny. It ought not to be believed, that the department which superintends prosecutions in criminal cases would be inclined to withhold it. What ought to be done, under such circumstances, presents a delicate question, the discussion of which, it is hoped, will never be rendered necessary in this country. At present it need only be said, that the question does not occur at this time. There is certainly nothing before the court which shows that the letter in question contains any matter, the disclosure of which would endanger the public safety. If it does contain such matter, the fact may appear before the disclosure is made. If it does contain any matter which it would be imprudent to disclose, which it is not the wish of the executive to disclose, such matter, if it be not immediately and essentially applicable to the point, will of course be suppressed. It is not easy to conceive that so much of the letter as relates to the conduct of the accused can be a subject of delicacy with the President. Every thing of this kind, however, will have its due consideration, on the return of the subpœna."

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"Much has been said about the disrespect to the chief magistrate, which is implied by this motion, and by such a decision of it as the law is believed to require.

"These observations will be very truly answered by the declaration, that this court feels many, perhaps peculiar motives, for manifesting as guarded a respect for the chief magistrate of the Union as is compatible with its official duties. To go beyond these would exhibit a conduct which would deserve some other appellation than the term respect.

"It is not for the court to anticipate the event of the present prosecution. Should it terminate as is expected on the part of the United States, all those who are concerned in it should certainly regret that a paper, which the accused believed to be essential to his defence, which may, for aught that now appears, be essential, had been withheld from him. I will not say that this circumstance would, in any degree, tarnish the reputation of the government; but I will say, that it would justly tarnish the reputation of the court which had given its sanction to its being withheld. Might I be permitted to utter one sentiment with respect to myself, it would be to deplore, most earnestly, the occasion which should compel me to look back on any part of my official conduct with so much self-reproach as I should feel, could I declare, on the information now possessed, that the accused is not entitled to the letter in question, if it should be really important to him.

"The propriety of requiring the answer to this letter is more questionable. It is alleged, that it most probably communicates orders showing the situation of this country with Spain, which will be important on the misdemeanour. If it contain matter not essential to the defence, and the disclosure be unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear on the return. The demand of the orders which have been issued, and which have been, as is alleged, published in the Natchez Gazette, is by no means unusual. Such documents have often been produced in the courts of the United States and the courts of England. If they contain matter interesting to the nation, the concealment of which is required by the public safety, that matter will appear upon the return. If they do not, and are material, they may be exhibited."

This decision seems, with some qualification, to conform with the views of Mr. Jefferson, as expressed upon this proceeding in his letter to Mr. Hay, in which, after proffering his readiness to supply the letter in question, and all other matters alleged to be necessary to the defence, he remarks:

"With respect to papers, there is certainly a public and a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, and other papers patent in their nature. To the other belong mere executive proceedings. All nations have found it necessary that, for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only. He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication. Hence, under our Constitution, in requests of papers from the legislative to the executive branch, an exception is carefully expressed, as to those which he may deem the public welfare may require not to be disclosed; as you will see in the enclosed resolution of the House of Representatives, which produced the message of January 22d, respecting this case. The respect naturally due between the constituted authorities, in their official intercourse, as well as sincere dispositions to do for every one what is just, will always insure from the executive, in exercising the duty of discrimination confided to him, the same candour and integrity to which the nation has, in like manner, trusted in the disposal of its judiciary authorities."

This brief summary of a discussion, in the year 1807, presents a topic upon which much doubt has often been expressed in the Congress of the United States, and has sometimes been debated with no little acrimony—the extent of the right and the duty of the President to withhold information demanded by either house of Congress. The decision of the court, of which an extract is given in this notice of the trial, and Mr. Jefferson's strictures upon the relative duties of the legislature and the executive, seem to present the question in a point of view which should lead to a just and definitive limitation of the boundaries by which each is properly circumscribed.

CHAPTER XIV.

1807.

BURR'S TRIAL CONTINUED.—THE PRINCIPAL ARGUMENT IN THE CASE.—NOTICES OF WIRT'S SHARE IN IT.—MR. MERCER'S TESTIMONY.—HIS DESCRIPTION OF BLENNERHASSET'S RESIDENCE.—OTHER INCIDENTS OF THE TRIAL.

THE trial proceeded through its preliminary stages, in which every question, capable of being raised, was presented and contested with scrupulous pertinacity and with abundance of acrimony. At length the two indictments were found;—the first, for treason, the second, for the misdemeanour. The case of treason was first taken up; the plea of not guilty made, and, after many challenges and rejections of those who had been summoned on the petit jury, a panel was obtained. New points, as to the order of examining the witnesses, were mooted and argued at every step, with the same asperity as before. Much testimony was delivered on the part of the prosecution. The charge of treason was supposed, by the counsel for the government, to be sustained by the evidence. This evidence proved that numbers of persons, amounting to some thirty or more, had assembled in warlike array, on Blennerhasset's island, in the Ohio river, near Marietta, in December 1806, with a purpose, as it was affirmed, to proceed down the river, and, with the assistance of others, to seize the city of New Orleans, under the pretence of the ultimate invasion of Mexico. It was not proved, however, that Colonel Burr was present with these men on the island.

Upon this testimony the counsel for the prisoner asked the interposition of the court, to arrest the further examination of witnesses, on the following ground, as stated by Mr. Wickham.

"The counsel for the prosecution having gone through their evidence relating directly to the overt act charged in the indictment, and being about to introduce collateral testimony of acts done beyond the

limits of the jurisdiction of this court, and, it not only appearing from the proofs, but being distinctly admitted, that the accused, at the period when the war was said to have been levied against the United States, was hundreds of miles distant from the scene of action, it becomes the duty of his counsel to object to the introduction of any such testimony as wholly irrelevant and inadmissible." Upon this motion of the prisoner's counsel arose the great and decisive argument in the case.

The discussion chiefly turned on the proposition suggested by Mr. Wickham,—"That no person can be convicted of treason in levying war, who was not personally present at the commission of the act charged in the indictment as constituting the offence."

There were other questions of less significance in the case, which were also argued with great amplitude and labour. "Whether there can be treason in levying war without the employment of force." "Whether one who would be only an accessory in a felony, is to be considered as a principal in treason by levying war." "And if so, whether the real principal ought not first to be convicted." These points and others were debated.

I have already intimated that it is not my design to furnish even an outline of this case; that my purpose is to submit only so much of it to the reader, as may give him some characteristic indications of Mr. Wirt's efforts towards the performance of the duty it imposed upon him. In the pursuit of this purpose, I shall continue to make some extracts from his argument upon the points now presented. This discussion was conducted with full preparation and study by all the counsel in the case, and as it was of a nature to determine the issue of the prosecution, it attracted a proportionate degree of interest from the public.

The extracts from Mr. Wirt's speech which follow, are made *sparsim*, and without reference to a continuous or connected view of his topics: they are offered as specimens of manner, and illustrations of modes of thought, and with no view to an exhibition of the general force of the argument, which, indeed, could not be abbreviated without doing injustice to the speaker.

"It is my duty," said Mr. Wirt, in the commencement of his *speech*, "*to* proceed on the part of the United States, in opposing

this motion. But I should not deem it my duty to oppose it, if it were founded on correct principles. I stand here with the same independence of action which belongs to the Attorney of the United States; and as he would certainly relinquish the prosecution the moment he became convinced of its injustice, so also most certainly would I. The humanity and justice of this nation would revolt at the idea of a prosecution, pushed on against a life, which stood protected by the laws; but whether they would or not, I would not plant a thorn, to rankle for life in my heart, by opening my lips in support of a prosecution which I felt and believed to be unjust. But believing, as I do, that this motion is not founded in justice, that it is a mere manœuvre to obstruct the inquiry, to turn it from the proper course, to wrest the trial of the facts from the proper tribunal, the jury, and embarrass the court with a responsibility which it ought not to feel, I hold it my duty to proceed for the sake of the court, for the sake of vindicating the trial by jury, now sought to be violated, for the sake of full and ample justice in this particular case, for the sake of the future peace, union and independence of these states, I feel it my bounden duty to proceed; in doing which, I beg that the prisoner and his counsel will recollect the extreme difficulty of clothing my argument in terms which may be congenial with their feelings. The gentlemen appear to me to feel a very extraordinary and unreasonable degree of sensibility on this occasion. They seem to forget the nature of the charge, and that we are the prosecutors. We do not stand here to pronounce a panegyric on the prisoner, but to urge on him the crime of treason against his country. When we speak of treason, we must call it treason. When we speak of a traitor, we must call him a traitor. When we speak of a plot to dismember the Union, to undermine the liberties of a great portion of the people of this country, and subject them to a usurper and a despot, we are obliged to use the terms which convey those ideas. Why then are gentlemen so sensitive? Why on these occasions, so necessary, so unavoidable, do they shrink back with so much agony of nerve, as if instead of a hall of justice, we were in a drawing-room with Colonel Burr, and were barbarously violating towards him every principle of decorum and humanity?

"Mr. Wickham has indeed invited us to consider the subject abstractedly; and we have been told that it is expected to be so considered; but, sir, if this were practicable, would there be no danger in it? Would there be no danger, while we were mooting points, pursuing ingenious hypotheses, chasing elementary principles over the wide extended plains and Alpine heights of abstracted law, that we should lose sight of the great question before the court? This may suit the purposes of the counsel for the prisoner; but it does not therefore necessarily suit the purposes of truth and justice. It will be proper, when we have derived a principle from law or argument, that we should bring

it to the case before the court, in order to test its application and its practical truth. In doing which, we are driven into the nature of the case, and must speak of it as we find it. But besides, the gentlemen have themselves rendered this totally abstracted argument completely impossible, for one of their positions is, that there is no overt act proved at all. Now, that an overt act consists of fact and intention, has been so often repeated here, that it has a fair title to Justice Vaughan's epithet of a '*decantatum.*' In speaking then of this overt act, we are compelled to inquire, not merely into the fact of the assemblage, but the intention of it, in doing which, we must examine and develope the whole project of the prisoner. It is obvious, therefore, that an abstract examination of this point cannot be made; and since the gentlemen drive us into the examination, they cannot complain, if, without any softening of lights or deepening of shades, we exhibit the picture in its true and natural state.

"This motion is a bold and original stroke in the noble science of defence. It marks the genius and hand of a master. For it gives to the prisoner every possible advantage, while it gives him the full benefit of his legal defence: the sole defence which he would be able to make to the jury, if the evidence were all introduced before them. It cuts off from the prosecution all that evidence which goes to connect the prisoner with the assemblage on the island, to explain the destination and objects of the assemblage, and to stamp, beyond controversy, the character of treason upon it. Connect this motion with that which was made the other day, to compel us to begin with the proof of the overt act, in which, from their zeal, gentlemen were equally sanguine, and observe what would have been the effect of success in both motions. We should have been reduced to the single fact, the individual fact, of the assemblage on the island, without any of the evidence which explains the intention and object of that assemblage. Thus, gentlemen would have cut off all the evidence which carries up the plot almost to its conception, which, at all events, describes the first motion which quickened it into life, and follows its progress, until it attained such strength and maturity, as to throw the whole western country into consternation. Thus, of the *world* of evidence which we have, we should have been reduced to the *speck*, the *atom*, which relates to Blennerhasset's Island.

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"I shall proceed now to examine the merits of the motion itself, and to answer the argument of the gentleman (Mr. Wickham) who opened it. I will treat that gentleman with candour. If I misrepresent him, it will not be intentionally. I will not follow the example which he has set me on a very recent occasion. I will not complain of flowers and graces where none exist. I will not, like him, reply to an argument as naked as a sleeping Venus, but certainly not half

so beautiful, complain of the painful necessity I am under, in the weakness and decrepitude of logical vigour, of lifting first this flounce and then that furbelow, before I can reach the wished-for point of attack. I keep no flounces or furbelows, ready manufactured and hung up for use in the millinery of my fancy; and, if I did, I think I should not be so indiscreetly impatient to get rid of my wares, as to put them off on improper occasions. I cannot promise to interest you by any classical and elegant allusions to the pure pages of Tristram Shandy. I cannot give you a squib or a rocket in every period. For my own part, I have always thought these flashes of wit (if they deserve that name), I have always thought these meteors of the brain, which spring up with such exuberant abundance in the speeches of that gentleman, which play on each side of the path of reason, or, sporting across it with fantastic motion, decoy the mind from the true point in debate, no better evidence of the soundness of the argument with which they are connected, nor, give me leave to add, the vigour of the brain from which they spring, than those vapours which start from our marshes and blaze with a momentary combustion, and which, floating on the undulations of the atmosphere, beguile the traveller into bogs and brambles, are evidences of the firmness and solidity of the earth from which they proceed. I will endeavour to meet the gentleman's propositions in their full force, and to answer them fairly. I will not, as I am advancing towards them, with my mind's eye, measure the height, breadth, and power of the proposition; if I find it beyond my strength, halve it; if still beyond my strength, quarter it; if still necessary, subdivide it into eighths; and when by this process I have reduced it to the proper standard, take one of these sections, and toss it with an air of elephantine strength and superiority. If I find myself capable of conducting, by a fair course of reasoning, any one of his propositions to an absurd conclusion, I will not begin by stating that absurd conclusion, as the proposition itself which I am going to encounter. I will not, in commenting on the gentleman's authorities, thank the gentleman with sarcastic politeness for introducing them, declare that they conclude directly against him, read just so much of the authority as serves the purpose of that declaration, omitting that which contains the true point of the case which makes against me; nor, if forced by a direct call to read that part also, will I content myself by running over it as rapidly and inarticulately as I can, throw down the book with a theatrical air, and exclaim, 'just as I said,' when I know it is just as I had not said. I know that by adopting these arts, I might raise a laugh at the gentleman's expense; but I should be very little pleased with myself, if I were capable of enjoying a laugh procured by such means. I know too, that by adopting such arts, there will always be those standing around us, who have not comprehended the whole merits of the legal discussion, with whom I might shake the character

of the gentleman's science and judgment as a lawyer. I hope I shall never be capable of such a wish, and I had hoped that the gentleman himself felt so strongly that proud, that high, aspiring, and ennobling magnanimity, which I had been told conscious talents rarely fail to inspire, that he would have disdained a poor and fleeting triumph, gained by means like these.

"I proceed now to answer the several points of his argument, so far as they could be collected from the general course of his speech. I say, so far as they could be collected; for the gentleman, although requested before he began, refused to reduce his motion to writing. It suited better his partizan style of warfare to be perfectly at large; to change his ground as often as he pleased; on the plains of Monmouth to-day, at the Eutaw Springs to-morrow. He will not censure me, therefore, if I have not been correct in gathering his points from a desultory discourse of four or five hours in length, as it would not have been wonderful if I had misunderstood him. I trust, therefore, that I have been correct; it was my intention to be so; for I can neither see pleasure nor interest, in *misrepresenting* any gentleman; and I now beg the court and the gentleman, if he will vouchsafe it, to set me right, if I have misconceived him.

"I understood him, then, sir, to resist the introduction of farther evidence under this indictment, by making four propositions:

"1. Because Aaron Burr, not being on the island at the time of the assemblage, cannot be a principal in the treason according to the constitutional definition or the laws of England.

"2. Because the indictment must be proved as laid; and as the indictment charges the prisoner with levying war with an assemblage on the island, no evidence to charge him with that act by relation is relevant to this indictment.

"3. Because, if he be a principal in the treason at all, he is a principal in the second degree; and his guilt being of that kind which is termed derivative, no parol evidence can be let in to charge him, until we shall show a record of the conviction of the principals in the first degree.

"4. Because no evidence is relevant to connect the prisoner with others, and thus to make him a traitor by relation, until we shall previously show an act of treason in these others; and the assemblage on the island was not an act of treason.

"I beg leave to take up these propositions in succession, and to give them those answers which to my mind are satisfactory. Let us examine the first: It is because Aaron Burr, not being present on the island at the time of the assemblage, cannot be a principal in the treason, within the constitutional definition or the laws of England.

"In many of the gentleman's general propositions, I perfectly accord with him: as that the Constitution was intended to guard against the calamities to which *Montesquieu* refers, when he speaks

of the victims of treason; that the Constitution intended to guard against arbitrary and constructive treasons; that the principles of sound reason and liberty require their exclusion; and that the Constitution is to be interpreted by the rules of reason and moral right. I fear, however, that I shall find it difficult to accommodate both the gentlemen who have spoken in support of the motion, and to reconcile some of the positions of Mr. Randolph to the rules of Mr. Wickham; for while the one tells us to interpret the Constitution by sound reason, the other exclaims, 'save us from the deductions of common sense.' What rule, then, shall I adopt? A kind of reason which is not common sense might indeed please both the gentlemen; but as that is a species of reason of which I have no very distinct conception, I hope the gentlemen will excuse me for not employing it.

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"The inquiry is, whether *presence* at the overt act be necessary to make a man a traitor? The gentlemen say *that it is necessary*; that he cannot be a principal in the treason without *actual presence*. What says the Supreme Court, in the case of Bollman and Swartwout? 'It is not the intention of the court to say that no individual can be guilty of this crime who has not appeared in arms against his country; on the contrary, if war be actually levied, that is, if a body of men be assembled, for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, *or however remote from the scene of action*, and who are actually leagued in the general conspiracy, are to be considered as traitors.'

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"The counsel knew that their first point was met directly by the counter authority of the Supreme Court. They have impliedly, if not expressly admitted it; hence they have been reduced to the necessity of taking the bold and difficult ground, that the passage which I have read is extra-judicial, a mere *obiter dictum*. They have *said* this, but they have not attempted to *show* it.

"Give me leave to show that they are mistaken; that it is not an *obiter dictum*; that *it is not extra-judicial*; but that it is a direct adjudication of a point immediately before the court.

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"But, for a moment, let us relinquish that decision; and, putting it aside, let us indulge the gentleman with the inquiry, whether that decision be in conformity with the Constitution of the United States and the laws of England. In interpreting the Constitution, let us apply to it the gentleman's own principles: the rules of reason and moral right. The question to be thus determined, is whether a man who is absent may not be guilty as if he were actually present.

"That a law should be so construed as to advance the remedy and repress the mischief, is not more a rule of common law than a principle of reason: it applies to penal as well as to remedial laws. So also

the maxim of the common law, that a law as well as a covenant should be so construed that its object may rather prevail than perish, is one of the plainest dictates of common sense. Apply these principles to the Constitution. Gentlemen have said, that its object was to prevent the people from being harassed by arbitrary and constructive treason. But its object, I presume, was not to declare that there was no such crime. It certainly did not mean to encourage treason. It meant to recognise the existence of the crime, and provide for its punishment. The liberties of the people, which required that the offence should be defined, circumscribed and limited, required also that it should be certainly and adequately punished. The framers of the Constitution, informed by the examples of Greece and Rome, and foreseeing that the liberties of this republic might one day or other be seized by the daring ambition of some domestic usurper, have given peculiar importance and solemnity to the crime, by ingrafting it upon the Constitution. But they have done this in vain, if the construction contended for on the other side is to prevail. If it require actual presence at the scene of the assemblage, to involve a man in the guilt of treason, how easy will it be for the principal traitor to avoid this guilt, and escape punishment forever! He may go into distant States, from one State to another. He may secretly wander, like a demon of darkness, from one end of the continent to the other. He may enter into the confidence of the simple and unsuspecting. He may pour his poison into the minds of those who were before innocent. He may seduce them into a love of his person; offer them advantages; pretend that his measures are honourable and beneficial; connect them in his plot and attach them to his glory. He may prepare the whole mechanism of the stupendous and destructive engine, and put it in motion. Let the rest be done by his agents. He may then go a hundred miles from the scene of action. Let him keep himself only from the scene of the assemblage and the immediate spot of battle, and he is innocent in law, while those whom he has deluded are to suffer the death of traitors! Who is the most guilty of this treason, the poor, weak, deluded instruments, or the artful and ambitious man who corrupted and misled them? There is no comparison between his guilt and theirs; and yet you secure impunity to him, while they are to suffer death! Is this according to the rules of reason? Is this moral right? Is this a mean of preventing treason? Or, rather, is it not in truth a direct invitation to it? Sir, it is obvious that neither reason nor moral right require actual presence at the overt act to constitute the crime of treason. Put this case to any common man, whether the absence of a corrupter should exempt him from punishment for the crime which he has excited his deluded agents to commit, and he will instantly tell you that he deserves infinitely more severe punishment than his misguided instruments. There is a moral sense, much more unerring, in questions of this sort, than the frigid deductions of jurists

or philosophers; and no man of a sound mind and heart can doubt for a moment between the comparative guilt of Aaron Burr (the prime mover of the whole mischief) and of the poor men on Blennerhasset's island, who called themselves Burr's men. In the case of murder, who is the most guilty, the ignorant, deluded perpetrator, or the abominable instigator? The decision of the Supreme Court, sir, is so far from being impracticable on the ground of reason and moral right, that it is supported by their most obvious and palpable dictates. Give to the Constitution the construction contended for on the other side, and you might as well expunge the crime from your criminal code; nay, you had better do it, for by this construction you hold out the lure of impunity to the most dangerous men in the community, men of ambition and talents, while you loose the vengeance of the law on the comparatively innocent. If treason ought to be repressed, I ask you, who is the most dangerous and the most likely to commit it,—the mere instrument who applies the force, or the daring, aspiring, elevated genius who devises the whole plot, but acts behind the scenes?

"Permit me now to bring Mr. Wickham to England. Sir, the decision of the Supreme Court is equally supported by the law of England.

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"But to gratify them, let us put Coke aside; what will they say to Lord Hale? Did any angry and savage passions agitate his bosom or darken the horizon of his understanding on criminal law? O no, sir, no spot ever soiled the holy ermine of his office; mild, patient, benevolent — halcyon peace in his breast, with a mind beaming the effulgence of noon-day, and with a seraph's soul, he sat on the bench like a descended God! Yet that judge has laid down the doctrine for which I contend, in terms as distinct and emphatic as those of Lord Coke. In 1 *Hale*, 214—'But if many conspire to counterfeit, or counsel, or abet it, and one of them doth the fact upon that counselling or conspiracy, it is treason in all, and they may be all indicted for counterfeiting generally, within this statute, for in such case in treason all are principals.'

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"It is true that Judge Tucker has very elaborately discussed this subject, and combated the doctrine that all are principals. I admit the truth of all the encomiums which the counsel for the defendant have pronounced upon that gentleman. He has all the illumination of mind and all the virtues of the heart, which those gentlemen, with the view of enhancing the weight of his authority, have been pleased to ascribe to him. What they have said of him from policy, I can say of him from my heart, for I know it to be true. Yet give me leave, sir, very briefly to examine his argument upon this subject. His object is to prove, that the position, that 'in high treason, all are

principals,' is not law in England. The mode which he adopts to prove his point is this: He collates all the authorities which have supported this doctrine, and tracing it up with patient and laborious perseverance, with the view '*petere fontes*,' he finds the first spring in the reign of Henry VI. That case is reported in the year-book, 1 *Hen.* 6, 5, and is very nearly as stated by Mr. Tucker from Stanford. It is the case of a man, who broke prison and let out traitors. Stanford says it was adjudged petit treason; the year-books merely say that he was drawn and hanged. A sentence in those days, when the notions and punishment of treason (notwithstanding the statute of Edward) remained still unsettled, is no very unequivocal proof that his crime was petit treason.

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"The gentleman next tried the case of Sir Nicholas Throgmorton's sufferings, as they are represented as a Gorgon's head by Judge Tucker, not as an illustration of the law, but by way of exciting our horror against a corrupt judge. We do not rely upon the authority of that case. What can be the motives which the gentleman had in view, in reading this case with a countenance and cadence of such peculiar pathos? Was it to excite our sympathies, under the hope that our apprehensions and feelings when once set afloat might, for the want of some other living object, be graciously transferred to his client?

It was with the same view, I presume, that the gentleman gave us the pathetic and affecting story of lady Lisle, as it is touched by the elegant, chaste and delicate pencil of Hume. It was with the same views, also, that he recited from the same author, the deep, perfidious and bloody horrors of a Kirk and a Jefferies. Sensible that there was nothing in the virtues of his client, or in this cause, to interest us, he borrowed the sufferings and the virtues of a Throgmorton and a lady Lisle, to enlist our affections and set our hearts a bleeding, hoping that our pity thus excited might be transferred and attached to his client. I hope that we feel as much horror at the infernal depravity of Judge Bromley, and the sanguinary and execrable tyranny of Judge Jefferies, as they or any other gentlemen can feel. But these cases do not apply to merciful and immaculate judges. We cannot think it very complimentary or respectful to this court, to adduce such cases. They seem to be held up *in terrorem*, from an apprehension that their authority would be admitted here; but we apprehend no such consequence.

"But he says that since the revolution of 1688, the British decisions have leaned the other way, and go to show that accessorial acts do not make a principal in treason. How is this conclusion obtained? By any adjudged case? No. By any *obiter dictum* of a judge? No. How then does the gentleman support the idea of this change in the English law? He has drawn the reference from the impunity

of those who aided the Pretender, who fought his battles or aided him in his flight. This is a new way of settling legal principles. Sir, this was the mere policy of the house of Hanover. The pretensions of the Stuarts had divided the British nation. Their adherents were many and zealous. Their pretensions were crushed in battle. Two courses were open to the reigning monarch: either by clemency and forbearance, to assuage the animosity of his enemies and brace his throne with the affections of his people; or to pursue his enemies with vengeance, to drive them to desperation; to disgust his friends by needless and wanton cruelty, and to unsettle and float his throne in the blood of his subjects. He chose the former course; and because either from magnanimity or policy, or both, he spared them, he supposes that the law of treason was changed, and that they could not be punished. To prevent this inference, according to the reasoning of the gentleman, it was necessary to have beheaded or hung up every human being who even aided the unfortunate Charles in his flight. Mr. Wickham has mentioned Miss Macdonald; and he would have the monarch to have hazarded the indignation and revolt of a generous people, by seizing that beautiful and romantic enthusiast, Flora Macdonald, and dragging her from her native mountains in the isle of Sky to a prison and to death! The truth is, as we are told by Doctor Johnson in his tour to the Hebrides, that this step, impolitic as it was, nevertheless was hazarded, though but partially. She was carried to London, but, together with M'Cleod who had aided in the same flight, was dismissed on the pretext of the want of evidence. But certainly the forbearance of the house of Hanover to punish under an existing law is no argument of the change of that law."

The argument here runs into a long and minute course of reasoning, and examination of authorities upon the law relating to principals and accessories, from which I forbear to make extracts.

We proceed to other passages of more interest. In one of these the reader will recognize a portion of the speech which has been often quoted for the vivid and felicitous picture it presents of the principal coadjutor in the conspiracy, and its prominent victim—Herman Blennerhasset. To this poetical tribute of the prosecuting counsel, which the newspaper-press of the day made so popular through the country, we may ascribe, in great part, that large amount of public sympathy by which Blennerhasset's participation in the nefarious scheme was palliated and excused.

"I come now, sir, to the gentleman's third point, in which he says he cannot possibly fail. It is this: 'because if the prisoner be a principal in the treason at all, he is a principal in the second degree'

and his guilt being of that kind which is termed derivative, no further parol evidence can be let in to charge him, until we show a record of the conviction of the principals in the first degree.'

"By this I understand the gentleman to advance, in other terms, the common law doctrine, that when a man is rendered a principal in treason, by acts which would make him an accessory in felony, he cannot be tried before the principal in the first degree.

"I understand this to be the doctrine of the common law, as established by all the authorities; but when I concede this point, I insist that it can have no effect in favour of the accused, for two reasons:

"1st. Because it is the mere creature of the common law.

"2dly. Because if the common law of England be our law, this position assumes what is denied, that the conduct of the prisoner in this case is of an accessorial nature or such as would make him an accessory in felony.

"First. Because this position is the mere creature of the common law. If it be so, no consequence can be deduced from it. It is sufficient, on this branch of the subject, to take his own declaration, that the common law does not exist in this country. If we examine the Constitution and the act of Congress, we shall find that this idea of a distinction between principals in the first and second degree depends entirely on the common law. Neither the Constitution nor the act of Congress knows any such distinction. *All* who levy war against the United States, whether present or absent—*all* who are leagued in the conspiracy, whether on the spot of the assemblage or performing some minute and inconsiderable part in it, a thousand miles from the scene of action, incur equally the sentence of the law: they are *all equally* traitors. This scale, therefore, which graduates the guilt of the offenders and establishes the order of their respective trials, if it ever existed here, is completely abrogated by the highest authorities in this country. The Convention which formed the Constitution and defined treason, Congress which legislated on that subject, and the Supreme Judiciary of the country expounding the Constitution and the law, have united in its abrogation. But let us for a moment put the Convention, Congress, and the Judiciary aside, and examine how the case will stand. Still this scale of moral guilt, which Mr. Wickham has given us, *is the creature of the common law*, which as already observed, he himself in another branch of his argument has emphatically told us does not exist in this country. He has stated that the creature presupposes the creator, and that where the creator does not exist, the creature cannot. The common law then being the creator of the rule which Mr. Wickham has given us, and that common law not existing in this country, neither can the rule which is the mere creature of it exist in this country. So that the gentleman has himself furnished the argument, which refutes this infallible point of his, on which he has so much relied. But to try this position to its utmost

extent, let us not only put aside the Constitution and act of Congress and decision of the Supreme Court, but let us admit that the common law does exist here. Still before the principle could apply, it would remain to be proved, that the conduct of the prisoner in this case has been accessorial; or in other words, that his acts in relation to this treason are of such a nature as would make him an accessory in felony.

"But is this the case? It is a mere *petitio principii*. It is denied that his acts are such as would make him an accessory in felony. I have already, in another branch of this subject, endeavoured to show, on the grounds of authority and reason, that a man might be involved in the guilt of treason as a principal, by being *legally*, though not *actually* present; that treason occupied a much wider space than felony; that the scale of proximity between the accessory and the principal must be extended in proportion to the extent of the theatre of the treason; and that, as the prisoner must be considered as legally present, he could not be an accessory, but a principal. If I have succeeded in this, I have in fact proved that his conduct cannot be deemed accessorial. But an error has taken place from considering the scene of the overt act as the theatre of the treason; from mistaking the overt act for the treason itself, and consequently from referring the conduct of the prisoner to the acts on the island. The conduct of Aaron Burr has been considered in relation to the overt act on Blennerhasset's island only; whereas it ought to be considered in connection with the grand design, the deep plot of seizing Orleans, separating the Union, and establishing an independent empire in the west, of which the prisoner was to be the chief. It ought to be recollected that these were his objects, and that the whole western country, from Beaver to Orleans, was the theatre of his treasonable operations. It is by this first reasoning that you are to consider whether he be a principal or an accessory, and not by limiting your inquiries to the circumscribed and narrow spot in the island where the acts charged happened to be performed. Having shown, I think, on the *ground of law*, that the prisoner cannot be considered as an accessory, let me press the inquiry whether, on the ground of *reason*, he be a principal or an accessory: and remember that his project was to seize New Orleans, separate the Union, and erect an independent empire in the west, of which he was to be the chief. This was the destination of the plot and the conclusion of the drama. Will any man say that Blennerhasset was the principal, and Burr but an accessory? Who will believe that Burr, the author and projector of the plot, who raised the forces, who enlisted the men, and who procured the funds for carrying it into execution, was made a cat's-paw of? Will any man believe that Burr, who is a soldier, bold, ardent, restless and aspiring, the great actor whose brain conceived and whose hand brought the plot into operation, that he should sink down into an accessory, and that Blennerhasset should

be elevated into a principal? He would startle at once at the thought. Aaron Burr, the contriver of the whole conspiracy, to everybody concerned in it, was as the sun to the planets which surround him. Did he not bind them in their respective orbits, and give them their light, their heat and their motion? Yet he is to be considered an accessory, and Blennerhasset is to be the principal!

"Let us put the case between Burr and Blennerhasset. Let us compare the two men, and settle this question of precedence between them. It may save a good deal of troublesome ceremony hereafter.

"Who Aaron Burr is, we have seen, in part, already. I will add that, beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labour contrives all the machinery. Pervading the continent from New York to New Orleans, he draws into his plan, by every allurement which he can contrive, men of all ranks and descriptions. To youthful ardour he presents danger and glory; to ambition, rank and titles and honours; to avarice, the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. His recruiting officers are appointed. Men are engaged throughout the continent. Civil life is, indeed, quiet upon its surface, but in its bosom this man has contrived to deposit the materials which, with the slightest touch of his match, produce an explosion to shake the continent. All this his restless ambition has contrived; and in the autumn of 1806, he goes forth, for the last time, to apply this match. On this occasion he meets with Blennerhasset.

"Who is Blennerhasset? A native of Ireland; a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhasset's character, that on his arrival in America, he retired even from the population of the Atlantic states, and sought quiet and solitude in the bosom of our western forests. But he carried with him taste and science and wealth; and lo, the desert smiled! Possessing himself of a beautiful island in the Ohio, he rears upon it a palace, and decorates it with every romantic embellishment of fancy. A shrubbery, that Shenstone might have envied, blooms around him. Music, that might have charmed Calypso and her nymphs, is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and mysteries of nature. Peace, tranquillity and innocence shed their mingled delights around him. And to crown the enchantment of the scene, a wife, who is said to be lovely even beyond her sex, and graced with every accomplishment that can render it irresistible, had blessed him with her love and made him the father of several children. The evidence would convince you that this is but a faint picture of

the real life. In the midst of all this peace, this innocent simplicity and this tranquillity, this feast of the mind, this pure banquet of the heart, the destroyer comes; he comes to change this paradise into a hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming upon him. A stranger presents himself. Introduced to their civilities by the high rank which he had lately held in his country, he soon finds his way to their hearts by the dignity and elegance of his demeanour, the light and beauty of his conversation, and the seductive and fascinating power of his address. The conquest was not difficult. Innocence is ever simple and credulous. Conscious of no design itself, it suspects none in others. It wears no guard before its breast. Every door and portal and avenue of the heart is thrown open, and all who choose it enter. Such was the state of Eden when the serpent entered its bowers. The prisoner, in a more engaging form, winding himself into the open and unpractised heart of the unfortunate Blennerhasset, found but little difficulty in changing the native character of that heart and the objects of its affection. By degrees he infuses into it the poison of his own ambition. He breathes into it the fire of his own courage; a daring and desperate thirst for glory; an ardour panting for great enterprises, for all the storm and bustle and hurricane of life. In a short time the whole man is changed, and every object of his former delight is relinquished. No more he enjoys the tranquil scene; it has become flat and insipid to his taste. His books are abandoned. His retort and crucible are thrown aside. His shrubbery blooms and breathes its fragrance upon the air in vain; he likes it not. His ear no longer drinks the rich melody of music; it longs for the trumpet's clangour and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him; and the angel smile of his wife, which hitherto touched his bosom with ecstasy so unspeakable, is now unseen and unfelt. Greater objects have taken possession of his soul. His imagination has been dazzled by visions of diadems, of stars and garters and titles of nobility. He has been taught to burn with restless emulation at the names of great heroes and conquerors. His enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately 'permitted not the winds of' summer 'to visit too roughly,' we find her shivering at midnight, on the wintery banks of the Ohio, and mingling her tears with the torrents, that froze as they fell. Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another—this man, thus ruined and undone and made to play a subordinate part in this grand drama of guilt and treason,

this man is to be called the principal offender, while *he*, by whom he was thus plunged in misery, is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity? Sir, neither the human heart nor the human understanding will bear a perversion so monstrous and absurd! so shocking to the soul! so revolting to reason! Let Aaron Burr then not shrink from the high destination which he has courted; and having already ruined Blennerhasset in fortune, character and happiness forever, let him not attempt to finish the tragedy by thrusting that ill-fated man between himself and punishment.

"Upon the whole, sir, reason declares Aaron Burr the principal in this crime, and confirms herein the sentence of the law; and the gentleman, in saying that his offence is of a derivative and accessorial nature, begs the question, and draws his conclusions from what, instead of being conceded, is denied. It is clear from what has been said, that Burr did not derive his guilt from the men on the island, but imparted his own guilt to them; that he is not an accessory, but a principal; and therefore, that there is nothing in the objection which demands a record of their conviction, before we shall go on with our proof against him.

* * * * * *

"The question then is, whether, all these things admitted, the assemblage on the island were an overt act of levying war. Here, sir, are we forced most reluctantly to argue to the court, on only a part of the evidence, in presence of the jury, before they have heard the rest of the evidence, which might go a great way to explain or alter its effect. But unpleasant as the question is in this way, we must meet it. What is an open act of levying war? To which we are obliged to answer, that it must be decided by the Constitution and act of Congress.

"Gentlemen on the other side, speaking on this subject, have asked us for battles, bloody battles, hard knocks, the noise of cannon. 'Show us your open acts of war,' they exclaim. Hard knocks, says one, are things we can all feel and understand. Where was the open deed of war, this bloody battle, this bloody war? cries another. No where, gentlemen. There was no bloody battle. There was no bloody war. The energy of a despised and traduced government prevented that tragical consequence. In reply to all this blustering and clamour for blood and havoc, let me ask calmly and temperately, does our Constitution and act of Congress require them? Can treason be committed by nothing short of actual battle? Mr. Wickham, shrinking from a position so bold and indefensible, has said that if there be not *actual* force, there must be at least *potential* force, such as terror and intimidation struck by the treasonable assemblage. We will examine this idea presently. Let us, at this moment, recur to the constitu-

tional definition of treason, or to so much thereof as relates to this case. 'Treason against the United States shall consist only in levying war against them,' not in making war, but in levying it. The whole question then turns on the meaning of that word, *levying*. This word, however, the gentlemen on the other side have artfully dropped: as if conscious of its operation against them, they have entirely omitted to use it.

"We know that ours is a motley language, variegated and enriched by the plunder of many foreign stores. When we derive a word from the Greek, the Latin, or any other foreign language, living or dead, philolologists have always thought it most safe and correct to go to the original language, for the purpose of ascertaining the precise meaning of such word. Levy, we are told by all our lexicographers, is a word of French origin. It is proper, therefore, that we should turn to the dictionary of that language, to ascertain its true and real meaning; and I believe we shall not find that when applied to war, it ever means to fight, as the gentlemen on the other side would have us to believe. Boyer's Dictionary is before me, sir, and I am the more encouraged to appeal to him, because, in the case of Bollman and Swartwout, your Honour, in estimating the import of this very word, thought it not improper to refer to the authority of Dr. Johnson.

"'*Lever*,' the verb active, signifies, according to Boyer, 'to lift, heave, hold or raise up.' Under the verb he has no phrase applicable to our purpose: but under the substantive, *levée*, he has several. I will give you them all.

"*Levée d'un siége*, the raising of a siege. *Levée des fruits*, gathering of fruits, crop, harvest.

"*Levée du parlement Britannique*, the rising or recess of the British Parliament. *Levée (collecte de déniers)* a levy-raising, or gathering.

"*Levée de gens de guerre*, levying, levy, or raising of soldiers. *Faire des levées de soldats*, to levy or raise soldiers.

"So that when applied to fruits or taxes, it means gathering as well as raising. When applied to soldiers it means raising only, not gathering, assembling or even bringing them together, but merely raising. Johnson takes both these meanings, as you mentioned in the case of Bollman and Swartwout; but in the original language, we see that levying, when applied to soldiers, means simply the *raising* them, without any thing further. In military matters, levying and raising, if Boyer may be trusted, are synonymous.

"But to ascertain still more satisfactorily the meaning of this word *levy*, let us look to the source from which we have borrowed the whole definition of treason, the statute of 25 Edward III. The statute is in Norman French, and, in describing the treason of levying war, uses these words; '*Si home leve de guerre, contre nostre seigneur le roy en son royalme.*'

"In a subsequent reign, I mean the factious and turbulent reign of Richard II., when the statute of Edward, although unrepealed, was forgotten, lost and buried under the billows of party rage and vengeance, it became, at length, necessary for parliament to interfere and break in pieces the engine of destructive treason; and in the 21st year of Richard II., a statute was passed, which may be considered as a parliamentary construction of that of Edward III. In that statute, the treason of levying war is thus explained, '*Celuy que levy le peuple et chevache encounter le roy à faire guerre deins son realme.*' Here the French verb, *leve*, is the same as that used in the statute of Edward, with an unimportant orthographic variation; and here it is clearly contradistinguished from the actual war. The *levy* is of *men* and *horses, for the purpose of making war*; and the levy would have been complete, although the purpose had never been executed. I consider, therefore, the statute of Richard, as not only adding another authority to Boyer, to prove that the extent of the French verb *lever*, when applied to soldiers, goes no farther than the raising them; but I consider that statute also as a parliamentary exposition or glossary of the phrase *levy de guerre*, in the statute of Edward.

* * * * * *

"Mr. Lee says, that hard knocks are things we can all feel, yet it is equally true that an assemblage of men is an object we can all see. True it is, as the gentleman says, that cannons and small-arms may be heard; and so may the disclosure of a treasonable plot. At last, the overt act which they require is but an appeal to the human senses; and the overt act which we have proven is equally satisfactory to them. Why do they insist on calling in the sense of feeling to the sense of hearing? He may say, if we were to feel it, that we must also taste and smell it. Mr. Wickham indeed complains, that if you stop him short of actual force, you take away the *locus pœnitentiæ*. I say, if you do not stop short of it, you take away the motive of repentance; for you offer the traitor victory and triumph, and it is not in *their* arms that we are to expect from him repentance. But was there, sir, no opportunity for repentance in this case? We shall prove that the prisoner was for more than a year brooding over this treason. The ruin and desolation that he was about to bring upon this country, must have been often before him. If all love of his country were so far extinguished in his breast, that he could not forbear, if the downfall of liberty and the horrors of civil war gave no pang of remorse to his bosom, why, for his own sake, did he not repent? Why did he not remember Cromwell and the treason and fate of Cæsar?—Cromwell, as bold and daring as himself; the miserable effects of his successful usurpation; the terrors that haunted and scourged him day and night, and blasted him even amidst the splendour of a palace. Cæsar and Cromwell he did not forget; but he remembered them as objects of competition and rivalship; not to detest and abhor, but to

envy, admire and emulate. Such was the kind of remorse which he felt at the idea of drenching his country in blood, and substituting despotism for liberty; such the very promising disposition and temper for repentance which alone he manifested.

"Mr. Randolph wishes to know how the line can be drawn between enlisting and striking a blow. The answer is obvious: *At the point of the assemblage*, where the courts of England and the highest court in this country have concurred in drawing it. A line strong and plain enough to be seen and known is drawn. Does reason, sir, require that you should wait until the blow be struck? If so, adieu to the law of treason and to the chance of punishment. The aspiring traitor has only to lay his plans, assemble his forces and strike no blow till he be in such power as to defy resistance. He understands the law of treason. He draws a line of demarcation for the purpose of keeping within the boundary of the law. He projects an enterprise of treason. He enlists men. He directs all the operations essential to its success from one end of the continent to the other; but he keeps himself within the pale of the law. He goes on continually acquiring accessions of strength, like a snowball on the side of a mountain, till he becomes too large for resistance, and sweeps every thing before him. He does every thing short of striking a blow. He advances till he gets to New Orleans. He does not hazard the blow till he is completely ready; and when he does strike, it will be absolutely irresistible. Then what becomes of your Constitution, your law of Congress or your courts? He laughs them to scorn. Is this the way to discourage treason? Is it not the best way to excite and promote it? to insure it the most complete success? I conclude, therefore, that reason does not require *force* to constitute treason.

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"This court, then, having itself decided that the question, whether there have been an overt act or not, belongs essentially to the jury, it is strange that the prisoner should persist in pressing it on the court. What does he mean by calling on the court to decide on the fact of levying war? Have you the power, sir? I should like to know where the authority can be found to prove that you have it. And suppose the court thinks it has this power, and should exert it, what will be the consequences? Will it not take away from the jury their acknowledged right of deciding on facts? But the anxious perseverance of the prisoner in this course certainly implies a reflection, either on the jury or the court; it implies either that the jury will not do him justice, or that the court will do him more than justice. If he believed the jury would do him justice, and wished nothing more, he would be content to leave his case to them. If he believed they would not do him justice, and he therefore tries to force his cause before the court, whether it will or no, I may truly say, that he exhibits a phenomenon unprecedented upon this earth: a man flying from

a jury of his peers to take refuge under the wings of the court! Sir, I can never think so ill of my countrymen as to believe that innocence need fly from them; nor will my respect for the court permit me, for a moment, to apprehend that it will invade the peculiar and acknowledged province of the jury. This court well knows that my respect for its members, as private gentlemen and officially, is too great to apprehend that remarks of a general nature will be applied to them. But if, at this period, when the bench is so distinguished by intellectual power and superior illumination, a precedent be set, by which the great fact in trial for life and death shall be wrested from the jury and decided by the bench, what use may not be made of it hereafter? In the fluctuations of party, in the bitterness of rancour and political animosity, the judges may lead juries to one side or the other, as they may think proper. They may dictate as to the existence of an overt act, and thus decide the fate of a prisoner. If a judge sitting on the bench shall decide on facts as well as law in a prosecution for treason, he may sacrifice or rescue whom he pleases. If he be a *political* partisan, he may save his friends from merited punishment, or blast his foes unjustly. If judges in future times, not having the feelings of humanity and patriotism which they have in these days, but animated by the zeal and factious spirit of party, to promote the views of party, shall have the power now proposed to be exercised, what will be the posture and fate of this country then? If you establish this precedent, some tyrant *Bromley* or some ruffian *Jefferies* may mount the bench. Can the soul look forward without horror to the dark and bloody deeds which he might perpetrate, armed with such a precedent as you are now called on to set? But you will not set it, sir. You will not bring your country to see an hour so fearful and perilous as that which shall witness the ruin of the trial by jury. I shudder to reflect what might be the consequences of such an hour. You will cast your eyes into futurity, and, foreseeing the calamities that must result from so dangerous an example, will avoid it. You will be satisfied that neither reason nor the laws of England or of this country support the doctrine, that you have the power to prevent this jury from proceeding in their inquiry, merely because your mind is satisfied that the overt act is not proved.

"All the distinctions which Mr. Wickham and Mr. Randolph have taken, have gone on the dangers of constructive treason. All their apprehensions on this subject seem to me to be perfectly visionary. They appear to result from this mistake:—they look at the dangers of constructive treason under the common law, anterior to the statute of Edward. They look into the terrors expressed by Hale, when he enumerates the many various kinds of treason, before that statute limited the number. The meaning of constructive treason is generally misconceived. It is well explained in 1 *East's Crown Law, p.* 72: *Constructive Levying of War* is in truth more directed against the

government than the *person* of the king, though, in legal construction, it is a levying of war against the king himself. This is when an insurrection is raised to reform some national grievance, to alter the established laws or religion, to punish magistrates, to introduce innovations of a public concern, to obstruct the execution of some general law by an armed force, *or for any other purpose which usurps the government in matters of a public and general concern.*' It is therefore true, as laid down by Mr. Rawle in *Fries's trial, p.* 161, 'that what in England is called *constructive levying of war*, in this country must be called direct levying of war.' Although this seems not to be assented to by Judge Tucker, (*4th Tucker's Blackstone, Appendix,* 13, 14,) possibly because he did not examine that point as thoroughly as he did the doctrine of treason generally.

"Before that statute passed, the dangers resulting from arbitrary constructions of treason were great and grievous, and the complaints against them as vehement as they were just. Levying war in England against the king or his government, the '*crimen læsæ majestatis,*' consists of direct and express levying of war against the king's *natural* person; constructive, levying it against his government or his authority in his *political* person. In America, the crime is defined in the Constitution. It consists in levying war against the United States. In England, it consists in an opposition to the king's authority or prerogative. Here it is against the Constitution and government. In England, when it is intended against the life of the prince, it may consist in mere imagination, in the mere design or intent of the mind. But in this country the offence is against the government, the *political* person only; and it is *actual* war. As it is against the government, not against a natural person, it may be said to be constructive. But constructive interpretations of treason, which produced so much terror and alarm formerly in England, and against the abuses of which gentlemen have declaimed so pathetically, cannot take place in this country. They are expressly excluded by the Constitution. Upon the whole, I contend, that the meeting on Blennerhasset's island, the intention of which is proven to be traitorous, was an act of treason; that the assemblage, with such intention, was sufficient for that purpose. And if it were not sufficient, this court cannot stop the proceedings. The jury must proceed with the inquiry.

"I have finished what I had to say. I beg pardon for consuming the time of the court so long. I thank it for its patient and polite attention. I am too much exhausted to recapitulate, and to such a court as this is, I am sure it is unnecessary."

This is an exhibition of some of the most prominent passages, of a speech which fills seventy pages of an octavo volume, and which occupied several hours in the delivery. I have excluded from these

extracts a large portion of the argument, which, dealing principally in minute discriminations of technical law, and in the analysis of legal decisions, could scarcely be expected to interest the general reader, and which would be still less satisfactory to members of the legal profession who have familiar access to the full report of the trial.

It may be remarked of this speech, that having been made at a time when the speaker was yet in the vigour of youthful manhood, and somewhat noted for the vivacity of his imagination and the warmth of his feelings, he may be supposed to have made this effort at disadvantage, under the restraints necessarily imposed upon him by the nature of the subject and the forum to which he spoke. It was an argument upon mere questions of law, sufficiently abstruse and technical in their nature to forbid any very free excursion of the fancy, and to defy the attractions of declamation. The orator, addressing himself to the most severe and disciplined mind in the judiciary of the nation, doubtless felt his inclination constantly rebuked by the presence in which he stood. He could not lose the consciousness of an ever-present constraint imposed upon him by the place, and the subject, both exacting logical precision and compact legal deduction. We cannot but remark, in the perusal of the speech, how apparent is the inclination of the speaker to escape from this thraldom, and to recreate his mind in the more congenial fields of rhetorical display; and how obviously he has felt the exigency of the argument, like a stone tied to the wings of his fancy, to bring him quickly back, on every flight, to the labour of his task. At that period in the life of William Wirt, his forensic fame was much more connected with his efforts before a jury, than in discussions addressed to the bench; and we cannot help feeling some regret, while speculating upon the peculiar power of the advocate and looking alone to our own satisfaction, that this celebrated and important trial had not offered him an occasion to argue the questions of fact with which it abounded, as well as the points of law to which we have adverted.

The description of the abode of Blennerhasset, which furnished a legitimate opportunity to the indulgence of Mr. Wirt's peculiar vein of eloquence in this trial, seems to have inspired one of the witnesses with the same fervour of poetical rapture in giving a sketch of this woodland paradise.

A most estimable gentleman, who is yet alive to recall to memory the scenes which so attracted his youthful fancy,—Mr. Charles Fenton Mercer,—had visited the island, upon the invitation of its proprietor, just at the time when the conspiracy was said to be nearest its point of explosion. As he had seen nothing on this visit calculated to awaken his alarm for the peace of the country, his testimony was introduced into the trial for the misdemeanor, which immediately followed the acquittal on the charge of treason. This testimony was recorded in a written deposition, a few extracts from which will gratify the reader, by enabling him to compare Mr. Wirt's glowing picture with the actual impression which the scene made upon Mr. Mercer.

——"On Saturday evening, the sixth day of December, this deponent arrived, in the course of his journey home, at the shore of Ohio, opposite to the island of Mr. Blennerhasset; and having first learned, with some surprise, that Mr. Blennerhasset was yet on the island, crossed over to his house in a violent storm of wind and rain. That evening and the following day he spent at the most elegant seat in Virginia, in the society of Mr. Blennerhasset and his lovely and accomplished lady.

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"This deponent having expressed a desire to become the purchaser of Mr. Blennerhasset's farm, he had the goodness to show him the plan and arrangements of his house. Every room in it was opened to his inspection. As he walked through its different apartments, the proprietor frequently apologized for the confusion into which his furniture was thrown by his preparations for leaving it; and observed that the greater part of his furniture, his musical instruments, and his library, containing several thousand volumes of books, were packed up for his immediate removal.

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"Mr. Blennerhasset having intended, before deponent reached his house, to visit Marietta on Sunday evening, the deponent availed himself of a double motive to quit this attractive spot. He did not leave it, however, without regretting that the engagement of its proprietor, and his own dreary journey, but just begun in the commencement of

winter, forbade him to prolong a visit which, although so transient, had afforded him so much pleasure. * * *

All that he had seen, heard or felt, corresponded so little with the criminal designs imputed to Mr. Blennerhasset, that if he could have visited him with unfavourable sentiments, they would have vanished before the light of a species of evidence which, if not reducible to the strict rules of legal testimony, has, nevertheless, a potent influence over all sensitive hearts, and which, though it possess not the formal sanction, has often more truth than oaths or affirmations. What! will a man who, weary of the agitations of the world, of its noise and vanity, has unambitiously retired to a solitary island in the heart of a desert, and created there a terrestrial paradise, the very flowers and shrubs and vines of which he has planted, nurtured and reared with his own hands; a man whose soul is accustomed to toil in the depths of science, and to repose beneath the bowers of literature; whose ear is formed to the harmony of sound, and whose touch and breath daily awaken it from a variety of melodious instruments;—will such a man start up, in the decline of life, from the pleasing dream of seven years' slumber, to carry fire and sword to the peaceful habitations of men who have never done him wrong? Are his musical instruments and his library to be the equipage of a camp? Will he expose a lovely and accomplished woman and two little children, to whom he seems so tenderly attached, to the guilt of treason and the horrors of war? A treason so desperate—a war so unequal! Were not all his preparations better adapted to the innocent and useful purpose which he avowed, rather than to the criminal and hazardous enterprise which was imputed to him? * * * Such were the sentiments with which the deponent left the island of Mr. Blennerhasset."

The reader will smile at this rapture of enthusiasm in an affidavit, and weigh, with many grains of allowance, the warm-hearted friendship of a young votary fascinated by the attractions of this Eden in the wilderness; but no one will smile more good-naturedly at it than the worthy author of it himself, who has lived long enough to repress the fervours of his imagination, though not to quench the generous and benevolent instincts of his heart.

A few more brief references to these trials, and we shall dismiss the subject.

These relate to minor incidents which transpired in the course of the long examinations of testimony, and are only noticed to show the temper in which the parties stood to each other, and to some of the more prominent witnesses.

General Wilkinson is under examination:

"MR. BOTTS, (speaking to the witness.)—When you are about to show a paper, you will please submit it to our inspection.

"GENERAL WILKINSON.—I shall be governed by the Judge in that respect."

"MR. BOTTS.—Then we shall request the Judge to govern you in that respect.

Major Bruff was called to the stand—

"MR. WICKHAM argued that the testimony of Major Bruff was admissible to show an inconsistency in that of General Wilkinson.

"GENERAL WILKINSON.—May I be permitted to make one observation? I am not in the smallest degree surprised at the language which has, upon this and several other occasions, been used by the counsel of Col. Burr—men who are hired to misrepresent.

"MR. WICKHAM.—I will not submit to such language from any man in court.

"THE CHIEF JUSTICE declared the style of General Wilkinson to be improper, and that he had heard too much of such language in court.

"General Wilkinson apologized."

Silas Dinsmore is questioned—he says:

"General Wilkinson condescended to ask my opinion, having previously made a full disclosure of the dangers apprehended, and of the measures which he had adopted. I did give my advice in favour of seizing every man whom he found opposed to his measures. This was after a development of the state of affairs by General Wilkinson.

"MR. MARTIN.—And that not to be depended upon.

"MR. WIRT.—That will be a subject of discussion hereafter.

"MR. MARTIN.—I know that.

"MR. WIRT, (in a low tone of voice to Mr. M.) — *You know a good deal of these things.*"

The following is in a pleasanter key, and to those who intimately knew Mr. Wirt, and remember that constant tendency to playfulness,

which seemed to break forth even in his gravest moments, and out of the bosom of his deepest study, it will bring him vividly to mind. His friends will recall the musical voice and the quiet humour that, like a ray of mellow sunshine, lit up his eye, when an occasion for a laugh might be found in the course of a trial.

A fifer, by the name of Gates, was under cross-examination. Some boats had been seized near Marietta. Gates was a militia-man on duty against the conspirators, and saw the seizure of the boats.

"MR. WIRT.—As far as I understand you, you were called on to attack the boats?

"*Answer.*—Yes.

"MR. WIRT.—And you were called on to carry a musket?

"*Answer.*—Yes.

"MR. WIRT.—And you were unwilling to do it?

"*Answer.*—Yes.

"MR. WIRT.—That is, you were willing to whistle, and not to fight?

"*Answer.*—Yes."

CHAPTER XV.

1807.

PUBLIC AGITATION.—THE AFFAIR OF THE LEOPARD AND CHESAPEAKE.—EXPECTATION OF WAR.—FOURTH OF JULY.—LETTER TO JUDGE TUCKER.—WIRT PROJECTS THE RAISING OF A LEGION.—CORRESPONDENCE WITH CARR IN REGARD TO IT.—THE PROJECT MEETS OPPOSITION.—FINALLY ABANDONED.—WAR ARRESTED.—THE EMBARGO.

THE country was agitated, in 1807, by other events of higher political import than Burr's conspiracy.

A sentiment of hostility against England, provoked by her invasion of the neutral rights of American commerce with the continent of Europe, in the right of search, as it was then asserted, and by the

impressment of American seamen under the flag of the United States, had been growing, for some few years, to such a predominance in the breast of the nation, as to render war a probable result, and a subject of popular comment. The failure of Messrs. Monroe and Pinkney to adjust these questions, and the refusal of Mr. Jefferson even to submit to the Senate the unsatisfactory treaty they had negotiated, contributed to increase the probability of a resort to arms.

The outrage perpetrated, at this juncture, upon the national flag, in the aggression of the Leopard upon the Chesapeake, was, in itself, an insult of such flagrant enormity, as to rouse the universal indignation of the people to a demand for instant reparation. All previous topics of quarrel were merged in this; and nothing but the prompt and vigorous measures taken by Mr. Jefferson, at the moment, restrained the country from an immediate declaration of war.

It was on the 22d of June, when the Chesapeake frigate, standing out to sea from Norfolk, passed a British squadron at anchor in Lynnhaven bay. The Leopard, a frigate of fifty guns, belonging to the squadron, followed her, and overhauled her within a few miles of Cape Henry. Here a boat was sent with an officer and several men to demand of Captain Barron the surrender of three men, who were said to be aboard the Chesapeake, and who were claimed as native British subjects. Captain Barron's reply was, that he knew of no persons of that description amongst his crew. Upon receiving this answer, the British frigate still kept in pursuit of the Chesapeake,—fired, first, one gun, and then a broadside into her, which killed and wounded several men, besides doing some damage to the spars and rigging of the ship. The Chesapeake, being totally unprepared for an encounter which she had no reason to expect, was obliged to strike her flag, and to submit to the impressment and abduction of four of her crew.* The consequences which followed this event, gave a stirring interest to the time.

* This unfortunate and mortifying incident has been the subject of too much comment to render it necessary to say more of it here; but, in justice to those who were censured for the event, it is proper to add that at the moment of this attack, the Chesapeake was in a condition which totally disabled her from resistance. She had been but a few hours out of port, and had sailed with her decks lumbered with great quantities of stores unstowed, which were yet in this condition. This disorder, and want of organization in her crew, placed her entirely at the disposal of her enemy

The President issued a proclamation ordering off the British squadron, and interdicting the waters of the United States to all British armed vessels. Detachments of militia were ordered to Norfolk, to protect that point against a threatened attack. A government vessel was despatched to London, bearing instructions to our minister there to demand the satisfaction and security which the recent outrage rendered necessary. Every thing was done which the crisis required.

This reference to the history of a grave national event may, perhaps, appear too stately an introduction to the comparatively trivial concern which a private citizen of that day had in the general ferment which it produced. In the humble sphere of individual participation, however, we may often read an authentic exposition of national sentiment, and find the temper and spirit of the times illustrated quite as forcibly as in a narrative of a higher cast; — indeed, even more forcibly, and with more graphic effect.

Richmond became a theatre of great agitation. Those martial fires, which slumber in the breast of every community, and which are so quickly kindled into flame by the breeze of stirring public events, now blazed, with especial ardour, amongst the youthful and venturous spirits of Virginia. Over the whole state, as, indeed, over the whole country, that combative principle which lies at the heart of all chivalry, began to develope itself in every form in which national sensibility is generally exhibited. The people held meetings, passed fiery resolutions, ate indignant dinners, drank belligerent toasts, and uttered threatening sentiments. Old armories were ransacked, old weapons of war were burnished anew, military companies were formed, regimentals were discussed, the drum and fife and martial bands of music woke the morning and evening echoes of town and country; and the whole land was filled with the din, the clamour, the glitter, the array of serried hosts, which sprang up, like plants of a night, out of the bosom of a peaceful nation. The pruning-hook was, all of a sudden, converted into a spear. Patriotism found a vent in eloquence; indolence an unwonted stimulus in the exciting appeals of the day, and the monotony of ordinary life a happy relief in the new duties which sprang out of the combination of citizen and soldier.

Many are now living who remember this fervour. Twenty-five

years had rolled over the Revolution. The generation which grew to manhood in this interval, were educated in all the reminiscences of the war of Seventy-six, which, fresh in the narratives of every fire-side, inflamed the imagination of the young with its thousand marvels of soldier-like adventure. These were told with the amplification and the unction characteristic of the veteran, and were heard by his youthful listener, with many a secret sigh, that such days of heroic hazards were not to return for him. The present generation is but faintly impressed with that worship of the Revolution which, before the war of 1812, gave a poetical character to its memories, and made it so joyful a subject for the imagination of those who lived to hear these fresh echoes of its glory.

Now, in 1807, whilst these emotions still swayed the breast of the sons of those who had won the independence of the nation, the same enemy was about to confront them. The day that many had dreamed of was about to arrive; and many a secret aspiration was breathed for a field to realize its hopes. To this sentiment we may attribute, in part, that quick rising of the people in 1807, which, but for the timely settlement of the difficulty, would, in a few months, have converted the whole country into a camp.

Foremost amongst the enthusiasts of this day was William Wirt. We shall find him, very soon, absorbed in a scheme to raise a legion. He was to be at the head of four regiments of State troops, with a chosen corps of officers and men, whom, he did not doubt, were destined to become conspicuous in annals dedicated to posterity. For the present, we shall find him slaking his ardour in a song.

The Fourth of July was to be celebrated in the neighbourhood of Richmond. Such an occasion, of course, no one could expect to pass without a full freight of those engrossing sentiments which were peculiarly inspired by the great topic, now first in the universal mind. Judge Tucker was a poet as well as a kindred spirit. He had witnessed the Revolution at an age capable of observation, and was still deeply imbued with all its passion. I find this letter:

TO JUDGE TUCKER.

RICHMOND, July 2, 1807.

MY DEAR SIR:

How is your muse? If in mounting mood, how would you gratify me, and enable me to gratify others, on Saturday, by a song on the day, embracing the late *gallant exploit* of the Leopard! Come, I know you can easily dash off such a piece. It would be no more than one of the ordinary overflowings of your spirit versified; and rhyme, McPherson says, is merely a mechanical business, to which, when a man has served an apprenticeship, there is no more labour of invention about it than Mr. Didgbury exercises in making a pair of pumps.

Our excursion, to-morrow morning, to the point of the beautiful hill which overhangs the Market valley, would fill you with the conception. All the rest is mere *manipulation*.

I could learn the song on Saturday morning. If you come into this idea, as I suppose the metre is a mere matter of moonshine to you, I would propose *that* in which the Death of Montgomery, and the Battle of Trenton, are written. Lest you should not recollect these, I will give you the only verse of the latter that I remember. Here it is:

"Our object was the Hessian band,
That dar'd to invade fair freedom's land
And quarter in that place.
Great Washington *he* led us on,
With ensigns streaming with renown,
Which ne'er had known disgrace."

By-the-bye, it is the metre of "The Mason's Daughter," which I am sure you know. Let me hear whether you will do this thing—yea or nay?

Will you let me have a copy of your song in honour of Washington? I heard it but once. I think it goes to the tune of "The Death of Wolfe." It describes Liberty as taking her flight from the shores of Albion, and lighting here. You will know, by this, which I mean.

Very sincerely,
Your friend and obed't servant,
WM. WIRT.

The answer is given by the Judge in the following memorandum, endorsed in his own handwriting, upon the outer page of this letter.

"July 2, 1807. I called on Mr. Wirt this morning, and found this letter upon his table. He said 'there is a letter for you.' I had in my pocket the lines written for the fourth of this month, which I intended for him, without any previous communication between us, and gave them to him."

he lines furnished on this occasion breathe that spirit of bitter mbrance of the Revolutionary war, to which I have alluded, htened into still warmer exacerbation, by the audacity of the nt aggression upon the Chesapeake. Happily, these feuds are forgotten in the tranquillity engendered by that sentiment of nal respect and appreciation of national and individual worth, h, we trust, will long distinguish the intercourse between the two tries. At the date of the events above referred to, the joy of the n in the triumph of the war of Independence, had lost nothing s sternness; whilst, on the other side, the sting of wounded pride not yet been assuaged by time.*

Not to open an old wound, but to preserve a memorial of the times and ie spirit of defiance, which was universally returned from this country i proudest and most powerful enemy, I present my reader a copy of ge Tucker's verses, which were sung, at the celebration alluded to in ext, by a voice noted for its melody.

"Tyrant! again we hear thy hostile voice,
Again, upon our coasts, thy cannon's roar,
Again, for peace, thou leavest us no choice,
Again, we hurl defiance from our shore.

Hast thou forgot the day when Warren bled,
Whilst hecatombs around were sacrificed?
Hast thou forgot thy legions captive led,
Thy navies blasted by a foe despised?

Or think'st thou, we've forgot our brothers slain,
Our aged fathers weltering in their gore?
Our widowed mothers on their knees, in vain,
Their violated daughters' fate deplore?

Our friends, in prison-ships and dungeons chained,
To summer's suns and winter's frost exposed;
Insulted, starved, amidst disease detained,
Till death the fatal scene of horrors closed!

Our towns in ashes laid, our fields on fire,
Our wives and children flying from the foe!
Ourselves in battle ready to expire,
Yet struggling still to strike another blow!

Know then, this day recalls to us the whole:
And hear our solemn and determined voice;
In vain, proud tyrant, shall thy thunders roll,
Since, once more, death or victory 's our choice."

A short note to Carr explains the progress of the war fever. Mr. Cabell was, at this time, Governor of the state. The note refers to proceedings in his Council.

RICHMOND, July 2, 1807.

DEAR CARR:

* * We are on tiptoe for war. I write this in the antechamber, where we are waiting the final resolve of the Council, on detaching a portion of us to support our brethren at Norfolk. When more composed, I will write to you at large.

The prospect of war had now filled Wirt's imagination with dreams of military life. His correspondence is fraught with schemes of martial life. His views of public affairs, as communicated in some of these letters, will probably amuse the reader of the present day, by their exhibition of the feelings of the time, and the extravagant expectations which the ferment of the public mind then suggested.

From 1807, until the event actually occurred in 1812, the martial temper of the country was kept in an excitement, which was much more likely to terminate in war than conciliation. Wirt had, previous to this period, held the commission of a major in a militia regiment. At the last session of the Legislature, he had been put in nomination for the post of a Brigadier-General, and had only lost the election by a few votes.

The affair of the Chesapeake had led him to expect military service in the field; and he now, consequently, turned his thoughts towards an effective employment in a war which he considered inevitable. To this end, he set himself about the organization of a plan to raise the Legion to which I have already adverted. In the several letters which I have on this subject, I find him totally engrossed with the project, and pursuing it with an earnestness, which shows how much his mind was captivated with the fancy of military glory. I select a few of these letters, with a view to a rapid sketch of this passage in his personal history. They contain details of the plan of the Legion, and an announcement of what was expected to be achieved, which now, after the experience of the country towards the realization of these fancies of 1807, will be read with curious interest, and, perhaps, be valued for the comment they suggest for our instruction, when we find occasion to contrast the promises of the day, with the performances of the future.

TO DABNEY CARR.

RICHMOND, July 19, 1807.

MY DEAR FRIEND:

I promised that you should hear from me again, and more at length than when I wrote by Stanard. I sit down now to comply with that engagement.

* * * * * *

On receiving the President's proclamation officially, the British ships in Hampton Roads weighed anchor, the Commodore saying that he had previously determined to change his anchorage, and that he was the master of his own movements. They sailed out of the capes. Richard H. Lee was sent by Mathews, to carry to Douglass, despatches from Erskine, and from the British Consul at Norfolk. When he approached them he was hailed, and asked if he did not know that all intercourse between the main and the squadron was prohibited? He said he did; but that he bore important communications, which rendered it proper that he should come on board. He was then admitted on deck, delivered his despatches, and the Commodore asked him into the cabin, where the other British officers were immediately assembled. After they had read the despatches, they began to interrogate him thus; "Well, sir, is the *mob* down in Norfolk, or is it still up?" "Has the *mob* assassinated the British Consul yet?" "What are we to make of this Mathews—at one moment he is a general, at the next, the chairman of a *mob?*" Lee tried to discourage this conversation, but it only provoked them to greater rudeness.

Two of the British ships have since put out to sea. The other two still remain off the capes.

The Executive has recalled the companies of infantry which marched from this place and Petersburg. The two troops of horse from these places will remain with Mathews, for the purpose of scouring the coast, and repelling any attempt to land.

I was here when the companies from this place marched, and was in Williamsburg, when the company of horse marched thence to Norfolk. It had not, indeed, all of the glorious "pride, pomp and circumstance,"—but it *smacked* "of war." The companies were uniformed, their arms newly burnished. They had an elegant stand of colours, and a most delightfully animating band of music. Accompanied by an escort of the militia of Richmond, and the company of artillery, marching in files, they traversed the main street through almost its whole length. All this would have been merely a Fourth of July parade; but what gave it the tragic face of war was, that every window, from the ground to the third and fourth story, was filled with weeping females.

Do you think that these people will do us the justice they ought?

The exasperated spirit of this nation will not be satisfied with a ministerial disavowal; nor with an English farce of a trial of Berkeley and Humphreys, a complimentary return of their swords, and higher promotion.

Even if they were to convict and execute Berkeley or Humphreys, or both,—I confess, for my own part, that I should be very dubious whether they were not giving us the second part of the tragedy of poor Byng, so firmly am I persuaded that this atrocious outrage flowed from the Cabinet.

According to my notion of things, if the ministry disavow the outrage, the offenders should be given up to be tried in this country. I see this right disclaimed by a northern press, (perhaps a republican one) and, I think, very improperly. The paper disclaims it, because the violence was not committed within our jurisdiction; but if it be true, that the violence done to the Chesapeake was out of our territorial line, yet the Chesapeake, herself, wherever she was, being a national ship, was part of our territory; and this, I think, is not the less true, because it was demonstrated, perhaps, by John Marshall, in the case of Jonathan Robbins. If it be true at all, the offenders ought to be tried in this country, on the principles of national, as well as common law. If tried here, Berkeley and Humphreys will have it in their power to show whether they acted by the orders of their masters. If they did, they ought to be acquitted, and their masters punished. If they did not, they would themselves be certainly punished. Neither of which events would happen, if tried in England.

I think nothing less ought to, or will satisfy the people of this country, than the surrender of Berkeley and Humphreys for trial. And as I believe that British arrogance will never condescend to this act of justice, I believe war to be inevitable.

In this event, I presume that our profession will be of but little importance to us.

If so, what will you do with yourself? Not sit idly at home, I presume. For my part, I am resolved. I shall yield back my wife to her father, *pro tempore*, to which the old gentleman has agreed, and I shall march.

Now, Sir: "Shut the door,"—what follows is in the strictest confidence of friendship, never to be hinted to a living soul, unless you come into it, and it takes effect. There are some "choice spirits," (a phrase which I am sorry that Burr has polluted,) who have agreed to raise four volunteer regiments, to be formed into a brigade. We begin with four colonels,—who are nominated, and of whom you are proposed to be one.—These colonels to nominate their majors and captains, to be approved of by all the colonels. The object is to make the selection as distinguished for talent, spirit and character as possible: to have no officer merely because his heart is good; nor merely because his understanding is good; but to have, in him, a

union, as perfect as possible, of understanding, heart, *good temper*, and morals. It is to be explicitly understood, that no man is to be admitted, even into the ranks, unless his morals are good. Thus organized, what a brigade!

It is proposed to make an offer of these four regiments to the President, under the act of Congress which authorizes him to accept of the service of volunteers. By that act, the volunteer officers are to be commissioned by their respective states. This, there is no doubt, the Executive Council of the state will do, so far as the commissions of colonel; they have no power to appoint a brigadier-general. But there is as little doubt that the Legislature will confer that office on the colonel who holds the first commission. The colonels proposed, are—A. Stuart, a member of the Council, who, notwithstanding his deficiency in the graces, has, you know, as sound a judgment, and as ardent a heart as ever did honour to humanity—John Clarke, the Superintendent of the Manufactory of Arms, one of the first geniuses and best men of the state—yourself and myself. They have done me the honour to insist that I shall take the first commission. We are not to leave our homes until called into actual service by the President.

You will let me hear from you, if possible, by the return of mail, as Stuart is going on next Monday to Annapolis, on business, and is willing to take the Federal City on his way, to commune with the President.

If you accord, authorize me, by letter, to sign your name to the association.

Any thing else, after this, will be flat—*so no more*, but, with love to Mrs. C. and your brothers,

Adieu, your friend,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, July 28, 1807

Your expected favour, by the last mail, was every thing I could wish. Stuart had gone to Hanover Court, on his way to Washington; he was not, therefore, here, to consult on the subject of *suffering you* to exchange the rank of fourth colonel for that of first major, in the first regiment.

I read your letter to Clarke: he was so much enraptured with your sentiments, that he swore the exchange should not take place by his consent. I, therefore, signed your name to a letter which I had written to the President, containing our joint proposal, and despatched it to Stuart, at Hanover, by the mail of last evening.

If the President shall be at Washington when the letter gets there, it will be presented: otherwise, I have requested Stuart not to leave

it; stating to him, that you appear to entertain serious doubts of your ability to raise a regiment; that you propose Nelson, and state your willingness to accept a *majority* in my regiment: that, for your sake, I could wish that this point might be considered by us on his return: that, in the meantime, I should authorize you, if your apprehensions still continued, to sound Nelson, distantly and delicately, and ascertain, with certainty, whether he would take the rank of fourth colonel in the brigade, without any shadow of *repining* at his station.

The arrangement which we have made must not be broken, and I am apprehensive, that Nelson, although he might *consent* to join, would entertain a secret wish that the arrangement had given him a higher position. Now, in order to give to the brigade that unity of spirit and motion, which are indispensable to its energy as well as harmony, it is necessary that every man should be not only *contented*, but *pleased* with his peculiar station. One discontented and perturbed spirit, especially in a high command, would not only mar our happiness, but endanger the powerful effect which we hope and expect. If, therefore, you shall retain your apprehensions as to raising a regiment, after what I shall presently say, you can, if you please, feel N.'s pulse, to ascertain whether he would, *with all his soul*, come into it, and take the station proposed to him in a brigade, to be organised on the principles of ours.

You will understand that this sounding is predicated upon the supposition that the President shall have left Washington before Stuart gets there; for if Stuart finds him there, you are committed.

In the event of Nelson's being taken in as colonel, you will be my first major; and, when I take the command of the brigade, you will, of course, take the head of my regiment, which is the first regiment.

But now, as to the practicability of forming a regiment, that will depend less on the personal popularity of the colonel, than of his subalterns. You will, for example, appoint your majors and captains, with the approbation of your brother colonels. In making these appointments, you will have the range of the state; you will appoint one major in one part of the state, another, in another: diffuse the appointment of captains as widely as possible, so as to increase the chances of a rapid formation of your regiment; these captains will appoint their subalterns; and on the captain and his inferior officers, will depend the success of enlistments. That you, as the colonel, are a man of talents, honour, education, good breeding, courage and humanity, will be information enough to the soldiers.

Besides, sir, as soon as we are commissioned, I mean to have two or three hundred hand-bills struck, explanatory of the principles on which our brigade will be constructed; and *painting it in perspective as brilliantly as my paint-box and brushes can do it*; these will be circulated, first to the colonels, through them to the majors, and

hrough them to the captains and subalterns, to be read at every pub-ic meeting of courts, musters, &c.

On the efficacy of this address — on the conduct of your majors, aptains, &c., dispersed over the state, I think you may securely count or a regiment; more especially, when your own unsullied and re-pectable name is known to key the arch.

If, after all this, you doubt, and the President should be at Monti-ello, and you prefer Nelson, if he comes into it *con amore*, he will e excellent.

* * * * * *

The Governor has written to the President in support of our letter —*ca ira*.

Yours,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, August 12, 1807.

MY DEAR CHEVALIER:

* * * * * * *

The act of Congress, of the 24th February last, authorizes a tender f volunteer services to the President by *companies*; and directs him o organize the companies, so tendered, into battalions, regiments and rigades: hence it is thought that commissions to majors and colonels annot issue, until he shall have received the tender of your companies, nd made the requisite organization.

Enclosed you have commissions for the seven captains whom you ave named, with a circular letter for each. You will require two ore captains, whom you will name by the return of mail; and you ill, as early as possible, name the lieutenants and ensigns in each ompany.

Upon this subject you had better take the opinion of each captain, s they will probably best know the officers qualified for the recruiting ervice in their respective neighbourhoods. In the meantime, the ersons so designated as lieutenants and ensigns, can immediately ssist the captains in recruiting; understanding, however, that their ommissions will depend on the approbation of the Executive Council f the State. If approved, their commissions will be immediately rwarded.

If either of your captains decline, name another, as soon as pos-ible, in his place, and your brothers here will take care of his com-ission.

Charge your captains, particularly, to recruit no drunkard and no nprincipled gambler. Let them, as far as possible, recruit only oung men, (I mean without families, and under six and thirty—at ll events, not over forty) of good size and healthy. It would be

fortunate if each company could be completed in the same neighbourhood, for the convenience of exercising it.

The men will understand that they will not be called from their several neighbourhoods and pursuits, until called out by the President into actual service.

They ought to understand that the war cannot, in the nature of things, be a long one. A single campaign will probably give us Canada and Nova Scotia: so that while an engagement *for the war* will be more honourable, it will probably not be more oppressive than an engagement for twelve months—(and much I fear that the glory of this achievement will be given to the states immediately in the British neighbourhood:—Canada and Nova Scotia taken, little more will remain, unless Great Britain, by conquest, should open another theatre in the South:—this parenthesis is to you.)

* * * * * * *

The substance of our letter to the President will be found in the enclosed circular.

The companies recruited, will furnish themselves with the cheap militia uniform of the state, of which any captain will advise you; and for which, if they are called out into service, they will be paid by the United States.

On the subject of recruiting among other volunteers, you will hear further from us.

The hour of Burr's trial is come. He has exhausted the panel, and elected only four jurors, Ed. Carrington, Hugh Mercer, R. E. Parker, (the Judge's grandson) and Lambert, of this place.

Your brothers greet you,

WM. WIRT.

We have now some signs of miscarriage. Glory has its untoward currents as well as love. The war seems to have been transferred to the newspapers.

TO DABNEY CARR.

RICHMOND, September 1, 1807.

MY DEAR DABNEY:

Sick, as I have been for several days, and harassed by the progress of Burr's affair, I have but a minute to answer your favour by the last mail.

* * * * * * *

We have certainly been deceived, if not in the virtue at least in the understanding of our countrymen. In spite of the repeated efforts which have been made to explain the motives and object of our association, and its non-interference with militia dignities, they

still misapprehend it, or affect to misapprehend it. We are right in principle, and must disregard this "*ardor prava jubentium.*"

Several companies in the lower country are filled up, or nearly so; and I think the wave of prejudice is retiring. A letter of the Governor, in reply to one from a militia-officer making inquiries as to this Legion, will be published to-day, by order of Council, and will, I hope, give the *coup de grace* to this ignorant or vicious opposition.

My sickness, and professional engagements together, have prevented me from giving to this subject, for some time past, that personal attention which I wished.

* * * * * * *

Marshall has stepped in between Burr and death. He has pronounced an opinion that our evidence is all irrelevant, Burr not having been *present* at the island with the assemblage, and the act itself not amounting to levying war.

The jury, thus sent out without evidence, have this day returned a verdict, in substance, of not guilty.

Your friend,

WM. WIRT.

The next letter looks to the conquest of Quebec.

TO DABNEY CARR.

RICHMOND, September 8, 1807.

MY DEAR FRIEND:

* * * * * * *

Mr. Randolph's project is better calculated than ours to go on swimmingly at first. Wait till the election of his officers, and the period of their services is fixed, and you will discover the *discordia semina rerum* which his plan contains. In our plan, no source of delusive hope and consequent disgust and disappointment exists. All who join us will know, with certainty, what they undertake; none but ardent and aspiring spirits will join us, because we go for the war: we shall have no six months soldier whose heart and face will be turned towards home every step that he takes towards Canada, and whose dragging, lengthening chain will be almost too heavy to be borne by him before he gets half-way to Quebec.

I begin to apprehend that there will be no war. The blood of our countrymen has been washed from the decks of the Chesapeake, and we have never learned how to bear malice. Besides, Bonaparte will drub and frighten the British into the appearance, at least, of good humour with us.

I think, however, we had better urge on our brigade till our govern-

ment orders us to ground our arms. The progress we shall make will be so much ground gained in the event of a new explosion.

You will see the opinion by which Marshall stopped the trial for treason. The trial for misdemeanour will begin to-day. It will soon be stopped: then a motion to commit and send on to Kentucky, which will not be heard.

Yours,

WM. WIRT.

From the philosophical tone of our next extract, we infer that the Legion and its hopes had fallen into some danger of extinction from the jealousy entertained against it by the militia of the state. This seems to have been the first event in the life of the writer which gave him a taste of the disappointments to which all ambitious aspirations are exposed, and therefore to have filled his mind with reflections which were not less natural to the occasion than of a character to be frequently repeated in the course of his succeeding years.

TO DABNEY CARR.

RICHMOND, September 14, 1807.

MY DEAR FRIEND:

* * * * *

As to the Legion, it has given me a new view of human nature and of my countrymen; and has, I confess, filled my heart with the most melancholy presages for their future destiny. So easily misled and so easily inflamed, even against their friends, what difficulty will an artful villain ever have in wielding them even to their own ruin?

This is a new incentive to virtue. It is into our own hearts that we are, at last, to look for happiness. It is the only source on which we can count with infallible certainty. These truths, so long preached by philosophers and divines, were never before brought home so strongly to my conviction as by the example of this Legion.

Thank God! we are not without this source of happiness on the present occasion.

But what is to become of the people? what is to become of the republic, since they are thus easily to be duped?

These are subjects which suggest most painful anticipations to me; for it seems that no rectitude, no patriotism of intention, can shield a man even from censure and execration. And the people, who themselves mean to do what is right, are still capable of being so deluded as to think it proper, and even virtuous, to censure and execrate a man for an act, not only flowing from the purest motives, but really well judged for their benefit and happiness.

How hard is it for a republican to admit the truth, that a patriotic and judicious action may, nevertheless, draw down upon its authors the disapprobation, the censure, and even the curses, of the people! That no argument, no appeal to reason and law and right, can save him from the consequences! Yet it is certainly true.

It requires some effort in a man, who receives this conviction from experience, to prevent him from drawing himself into his shell, and caring only about himself. * * * But then, if every virtuous man should take that resolution, the theatre would be given up to villains solely, and we should soon all go to perdition together; and this would not be quite so palatable. So, we must do our duty, and leave the issues to Heaven. If the people curse us, our own hearts will bless us; "if we have troubles at sea, boys, we have pleasures on shore." And, admitting all these alloys, what form of government is there that has not more and worse? So "we bring up the lee-way with a wet sail," as poor Frank Walker used to say.

We are balancing on the point of yielding the legionary scheme, so far as the field-officers are concerned. Consult Nelson, and let me hear what you think of it.

The second prosecution against Burr is at an end; Marshall has again arrested the evidence.

A motion will be made to commit him and his confederates for trial in Kentucky, or wherever else the judge shall, from the whole evidence, believe their crimes to have been committed.

There is no knowing what will become of the motion. I believe it will be defeated:—*sic transit*, &c.

In haste,

Yours affectionately,

WM. WIRT.

The Legion has now become hopeless. It can only be revived by Great Britain;—as we may read in the next letter.

TO DABNEY CARR.

RICHMOND, September 22, 1807.

MY DEAR DABNEY:

I have a moment, only, to acknowledge yours of the 18th inst.

The abandonment of the legionary scheme, which I suggested for your consideration in my last, was proposed by some of our friends in the country; and while we were considering it, I thought it proper that you should consider it too.

It is my own opinion that there would be more dignity, as well as propriety, in our withdrawing. But the majority here urge, with some reason, that we stand committed to the captains who have accepted,

and should infringe the express terms of the contract which we ourselves proposed, by deserting them at this time.

It seems to be the opinion that, under these circumstances, we had better suffer the scheme to die a natural death.

It is not even yet despaired but that the plan may be executed. From Gloucester, Essex, Stafford and Fredericksburg, we have flattering accounts that the storm is subsiding.

It depends, I suspect, on Great Britain, whether the Legion will be ever filled up.

In very great haste, my dear D.,

I am yours *ut semper*,

WM. WIRT.

This is the end of a martial dream. Wirt and Carr were both in their thirty-fifth year; an age when men may be trusted to make good any promise of adventure. They were both very much in earnest in the scheme. The reader will smile at the double current of war and law which runs through these letters; the affairs of the forum in the morning, of the camp in the evening; a twofold engrossment, very taking to the fancy of Wirt. A special session of Congress was called by the President, to commence on the 26th of October. It was supposed that this session would take up the question of the Chesapeake in such a spirit as would lead to a declaration of war. That expectation had already yielded to an opposite conviction, produced by a disavowal of the act of the British commander by his government. The prospect of settling the pending differences by negotiation became almost certain. The result was, that the war was indefinitely postponed. Amongst other consequences of this event, the hopes of the Legion and its proprietor gradually faded away in the somewhat clouded atmosphere of a doubtful peace.

Instead of war, the country had an Embargo.

CHAPTER XVI.

1808.

INCREASING REPUTATION.—MR. JEFFERSON PROPOSES TO HIM TO GO INTO CONGRESS.—HE DECLINES.—DETERMINES TO ADHERE TO HIS PROFESSION.—HE DEFENDS MR. MADISON AGAINST THE PROTEST.—LETTERS OF "ONE OF THE PEOPLE."—UNEXPECTEDLY PUT IN NOMINATION FOR THE LEGISLATURE.—LETTER TO MRS. W. ON THIS EVENT.—HIS REPUGNANCE TO IT.—IS ELECTED.—CORRESPONDENCE WITH MR. MONROE.—LETTERS TO CARR AND EDWARDS.

THE reputation which Wirt acquired by his participation in the trial of Aaron Burr, had a conspicuous effect upon his subsequent career. That trial had summoned to Richmond a great concourse of spectators, amongst whom were many men of the highest distinction in the State of Virginia, and, indeed, in the Union. The court-house was thronged with crowds capable of forming the best judgment upon the merits of the counsel, and of doing full justice to their several ability. The cases were argued with careful preparation and masterly skill. The whole doctrine of treason, both as known to the law of England and as defined in the Constitution of the United States, was fully discussed, and the leading decisions of both countries were analyzed, with an acumen which impresses the reader of the report with the highest respect for the talent enlisted in the cause.

The opinions of those who witnessed the trial, and the impressions made by it upon all who read the proceedings at a distance from the scene, equally tended to elevate the professional standing of the counsel: of neither more than of Mr. Wirt. Indeed, judging from the notoriety which portions of his speech acquired through the public press, we may say that no one of the counsel profited as much by it as he did.

His popularity in Richmond thus greatly enhanced, seems to have

suggested an attempt to bring him into public life. Mr. Jefferson expressed an earnest wish to him on this subject, in which he was seconded by many of his political friends.

The following letter from the President, now approaching the last year of his second term, shows the high estimate he made of Mr. Wirt's qualifications for political service.

WASHINGTON, January 10, 1808.

DEAR SIR:

* * * * * *

I suspected, from your desire to go into the army, that you disliked your profession, notwithstanding that your prospects in it were inferior to none in the State. Still, I knew that no profession is open to stronger antipathies than that of the law. The object of this letter, then, is to propose to you to come into Congress. That is the great commanding theatre of this nation, and the threshold to whatever department of office a man is qualified to enter. With your reputation, talents and correct views, used with the necessary prudence, you will at once be placed at the head of the republican body in the House of Representatives: and after obtaining the standing which a little time will insure you, you may look, at your own will, into the military, the judiciary, diplomatic or other civil departments, with a certainty of being in either whatever you please; and, in the present state of what may be called the eminent talents of our country, you may be assured of being engaged, through life, in the most honourable employments. If you come in at the next election, you will begin your course with a new administration.

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By supporting them, you will lay for yourself a broad foundation in the public confidence, and, indeed, you will become the Colossus of the republican government of your country. I will not say that public life is the line for making a fortune; but it furnishes a decent and honourable support, and places one's children on good grounds for public favour. The family of a beloved father will stand with the public on the most favourable grounds of competition. Had General Washington left children, what would have been denied to them?

Perhaps I ought to apologize for the frankness of this communication. It proceeds from an ardent zeal to see this government (the idol of my soul) continue in good hands, and from a sincere desire to see you whatever you wish to be. To this apology I shall only add my friendly salutations and assurances of sincere esteem and respect.

TH. JEFFERSON.

This very flattering invitation, from one so eminently distinguished

to the writer of it, to a career which we may suppose, at this time, to have been fully open to Mr. Wirt, and which, in itself, is usually regarded as sufficiently attractive to men of talents, was promptly answered by him to whom it was addressed, in a tone of so much prudence, and with such deliberate estimate of the duties he owed to himself and his family, as to present an example of self-denial but seldom witnessed in one who might have found in the invitation so many persuasives to accept it.

Wirt was now in the very meridian of vigorous manhood,—a time of life when the ardour of youthful ambition is not only unabated, but even more confident, by the conscious strength of experience and knowledge of the world.

TO THOMAS JEFFERSON.

RICHMOND, January 14, 1808.

DEAR SIR:

I fear you have forgotten my disposition, since you seem to think your favour of the 10th might require an apology. It is to me obliging and grateful beyond expression. I cannot better deserve your good opinion than by answering your proposition in the same spirit of frankness in which it was made.

My desire to go into the army proceeded from no dislike of my profession. It arose from the impulse which electrified the continent. In acting under it, I overlooked domestic inconveniences which, in this calmer proposal of going into Congress, present themselves with irresistible force. I have a wife and children entirely unprovided for. They subsist on the running profits of my practice. The instant this ceases, they must either starve or be thrown on the charity of their relations. This also would be the effect of my going into the army. But a state of war demands many sacrifices which can never be necessary in a time of peace. The war, too, I supposed could not last more than two or three campaigns—at least upon land; after which I might return to my practice; whereas the political career fixes my destiny for life. In entering it, although I should have the good fortune to reap all the high honours and advantages which your obliging good opinion has suggested, yet old age will come upon me, and find my wife and children as destitute of provision as they are now. I think it my duty to endeavour to guard against this, and, as soon as I can, to place them in a situation in which my death would not beggar them.

It is then that I might enter, with advantage, on public life. I should be better informed and better known; and independence of fortune might save me from those cruel and diabolical insinuations

which I have sometimes seen in the debates of Congress and in the public prints.

The situation of our amiable and beloved countryman, who has just returned from a foreign mission, to meet the most perplexing embarrassments, of a private nature, at home, is an awful lesson on the subject of devoting one's self to his country before he shall have secured an independent retreat for old age: nothing, indeed, can be more endearing than that devotion.

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I may add, that were my fortune other than it is, there is not in life a course on which I would enter with more spirit and ardour than that to which you invite me. The government is most dear to my affections. Its practicability, its energy, its dignity—the protection, prosperity and happiness which it insures, are now demonstrated. And after your retirement, the pure and enlightened man to whom we look as your successor, will, in my opinion, have no equal on the theatre of public life. Yet, notwithstanding this, I am sure that you will approve my motive in adhering to the practice of the law.

I am, dear sir, most respectfully,

Your obedient servant.

WM. WIRT.

Refusing in this firm and respectful manner the alluring offer which was made to him, Wirt, nevertheless, was far from being an unconcerned or inactive spectator of the public events. The time had now arrived when Mr. Jefferson was about to retire from the Presidency, and the nation was deeply interested in the purpose of nominating his successor. The democratic party, of which Mr. Jefferson was the head, had generally directed their attention to the secretary of state, Mr. Madison, as the man most worthy of the eminent trust which was about to be vacated. There were, however, some dissentients in that party, opposed to this nomination. At the head of these was John Randolph, of Roanoke. Certain members of Congress, of whom Mr. Randolph was one, had published a paper which purported to be "A Protest" against the proceedings of a caucus, then recently held by the majority of the republican members of the two houses at Washington, in which Mr. Madison had been nominated as the candidate. This Protest came from a fragment of the republican party itself, and threatened a distinctive division, which might finally lead to the overthrow of the friends of the existing administration. Mr. Madison was the principal object of their attack, and he was arraigned before the

public in terms of great severity. The principal charges brought against him were founded, first, in his report upon the Yazoo claims, "recommending," as the Protest affirmed, "a shameful bargain with the unprincipled speculators of the Yazoo companies;" second, in an alleged "want of energy" of character; and, lastly, in his participation in the authorship of "The Federalist," with Jay and Hamilton.

Such a paper, put forth at this time, was looked upon by the great body of the republicans with deep concern. This party had now been in power eight years. The retirement of Mr. Jefferson presented the first occasion for a struggle to reassert the supremacy of the party which he had overthrown. The public affairs were in a most critical position, hovering between peace and war. Powerful enemies were in arms abroad. Great talent was skilfully combined at home against the administration. But the people were strong in the advocacy of the party in power, and could only be defeated, in their hope of maintaining it, by such untoward events as this division of their leaders seemed likely to encourage and direct.

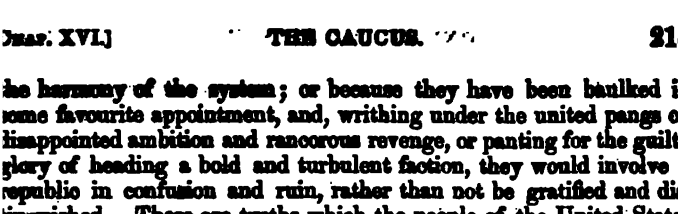
In this state of things, Wirt took up his pen in defence of the decision of the caucus, and addressed three letters "to the Protestors," through the medium of the Enquirer, at Richmond. These letters were signed "One of the People." As they convey a favourable impression of the author's talents for political controversy; and as they refer to some interesting facts of public history, as well as to some questions of political conduct; and present a most spirited and appropriate defence of one of the ablest and best of American statesmen, the reader, it is presumed, will find sufficient interest in the topics, to be gratified with the perusal of the following extracts.

These letters are addressed to Joseph Clay, Abraham Trigg, John Russell, Josiah Masters, George Clinton, Jr., Gurdon S. Mumford, John Thompson, Peter Swart, Edwin Gray, W. Hoge, Samuel Smith, Daniel Montgomery, John Harris, Samuel Maclay, David R. Williams, James M. Garnett and John Randolph.

"One of the people of the United States, to whom you have lately addressed yourselves, through the medium of the press, returns you his acknowledgments through the same channel, and, as one of your constituents, he expects to be heard by you in his turn. An appeal to the nation, by their representatives in Congress, and that under so solemn a form as a protest, strikes the attention and commands

respect. The parliamentary protest in England has generally been the act of a patriotic minority, resisting, in behalf of the people, the corrupt policy and bold encroachments of the minister. We have been accustomed to see and to feel in those protests the genuine flame of the patriot, the unity and simplicity of truth, the energy of argument, crowned with the light, the order and dignity of eloquence. From a natural association of ideas, on which you, no doubt, calculated, we received your protest with similar feelings. It is true, indeed, that in this country *we* have perceived nothing either of ministerial oppression or corruption, during the course of our present administration. The country has appeared to us to flourish in halcyon peace. Instead of oppression, we have felt our burdens lightened; instead of corruption, we have seen only that political purity and chastity which become a republic. But, in spite of seeing and feeling, when we find a congressional protest published to the world, and supported by dissentients so respectable, in number, we at first apprehend that our senses have been deceived; that, unknown to us, there has been oppression or corruption, or both, which this band of honest and independent patriots is now about to expose and proclaim to the nation. We take up your protest with hearts beating full of expectation and anticipated gratitude. But what is our disappointment, what our regret, what our disgust, when, instead of a protest breathing the elevated spirit of conscious truth and virtue, telling us of wrongs which we have suffered, *and proving them, too*, we find ourselves insulted by an electioneering squib — weak and inconsistent in its charges—shuffling and prevaricating in its argument—poor, entangled and crippled in its composition. Is it by these means that you seek to recommend yourselves to our respect? Is it thus that *you* respect the understandings and integrity of your countrymen?

"The jealous resentment of a republic is the sacred guardian of her honour and safety. The wise and the virtuous approach and excite it with caution; for they know that it is a dangerous passion, and they would confine it to its appropriate function, the punishment of guilt, and the preservation of the republic. It is only the weak and the wicked who seek to rouse this lion passion on every occasion; the weak, because they know not what they do; and the wicked, because they know it too well; because they are, perhaps, in a situation which anarchy cannot make worse, and may make better; or because there is some man of prëeminent merit who stands in the way of their designs, and who is too firmly fixed to be removed by any other means than a popular storm; or because they feel themselves so perfectly eclipsed in the plain road of virtuous and honest policy, that they find it necessary to fly off into an eccentric track, in order to catch the public eye; or because they had rather be regarded as baleful meteors, shaking pestilence and plague upon the earth, than as salutary planets of inferior magnitude and splendour, dispensing light and maintaining



the harmony of the system; or because they have been baulked in some favourite appointment, and, writhing under the united pangs of disappointed ambition and rancorous revenge, or panting for the guilty glory of heading a bold and turbulent faction, they would involve a republic in confusion and ruin, rather than not be gratified and distinguished. These are truths which the people of the United States understand; and understanding which, they will scan with a critical and suspicious eye every attempt which is made to inflame the national resentment. Before they suffer themselves to be inflamed, they will examine well the causes which are assigned for it. Before they suffer their confidence to be withdrawn from a tried, a faithful and a favourite servant, they will analyze with calmness and patience the charges which are made against him. They will do more: they will look with an eye of jealous scrutiny into the characters and motives of his accusers. They will see whether there be no one among them to whom the removal of that favourite would be personally convenient or grateful; no one whose resentment or whose envy it would soothe; no clan of subaltern characters, to whose private and personal attachment to a restless and ambitious chieftain, it would administer delight. They will trace the denunciations to its source; and see whether it be fair and patriotic, with a sincere and single eye to the public good; or whether it be the intrigue of a cabal, to put out of the way a man who is too honest and virtuous for their purposes. As to you, gentlemen, it is to be presumed that you can defy this scrutiny. Occupying the station which you do, it would be horrible to think otherwise of you. To turn against us the 'vantage ground' which we have given you, to use it for the purpose of embroiling us with one another, of ruining our peace, and overwhelming the republic in civil discord, in order that you might rise, like the spirits of the storm, to the sovereign direction, would be an abuse of confidence, a crime of ingratitude and perfidy, of which we trust that our infant republic has, as yet, no examples.

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You arraign the late caucus at Washington; but have not you yourselves, or at least the most distinguished among you, been members of caucuses on the very same occasion? Were you not members of a caucus for this very purpose in the presidential election of 1800? You cannot deny it; you dare not deny it. When it was found that there was an equal division in the electoral votes between Mr. Jefferson and A. Burr, were you not frequently, nay almost perpetually in caucus for the purpose of devising means to ensure the ultimate election of him whom you believed the choice of the people? Were you not, in caucus for the presidential election which took place in 1805? These are facts of public notoriety. You do not deny them. Nay, you admit that caucuses 'have heretofore been useful;' your consciences admonished you of the inconsistencies

into which you were plunging, and you attempt to excuse yourselves. 'These meetings,' you say, '*if not justified*, were *palliated* by the necessity of the Union:' No shuffling in the ranks, gentlemen. A caucus is right or wrong in principle; if wrong, nothing can make it right. If the caucus of 1808 was 'in direct hostility with the principles of the Constitution;' if it was a 'gross assumption of power not delegated by the people;' the caucuses of which you were members, were equally 'in direct hostility with the Constitution;' were equally 'gross assumptions of power not delegated by the people;' for the Constitution has undergone no change in this respect. It gave no more caucussing power in 1800–4, than it gives in 1808. Out of your own mouth, then, you are condemned: 'wherein ye judge others, ye condemn yourselves; for ye that judge, do the same things.'

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"Again: You accuse the members of Congress who formed the late caucus at Washington of attempting to produce 'an undue bias on the presidential election—by the sanction of congressional names.' Now, pray, what was the object of your protest—of your indecent and unfounded invective against Mr. Madison? Was that intended to produce no 'bias on the presidential election,' and to produce it, too, 'by the sanction of congressional names?' Blush at the inconsistencies in which you have involved yourselves—inconsistencies which prove the pure and noble policy by which you are actuated, and which, rely upon it, will not be shortly forgotten by your country.

"But what is all this clamour and uproar about caucuses, and which, all at once, have become so fraught with danger to the country! The people of the United States see nothing in a caucus but a conference among the members of Congress to ascertain the favourite of a majority of the people. The presidential election is a prevailing topic of conversation in every quarter of the Union, for a considerable time before it takes place. The pretensions of the several candidates are every where publicly and freely discussed. The members of Congress, then, will have learnt the sentiments of their respective constituents, before they leave home. The object of a caucus is understood to be nothing more nor less than to bring those sentiments together, and, by comparing them, to ascertain who has the preponderance of popular favour. What odds does it make how this conference is called; whether by an anonymous card or one signed by the name of Mr. Bradley? The essential object is the conference; and so that one be fairly obtained, the people care very little about the forms and ceremonies which led to it. As to the assertion that the notice was *private*, we require evidence. We have seen a very different statement of this fact—a card *published* in the name of Mr. Bradley, and a counter-card in the name of Mr. Somebody-else. And as to you, gentlemen, we presume that it would have made very little difference whether the notice was public or private; since your new-born reli-

gion on this subject, you would have been too scrupulous or too stately to have attended, although the notice had come to you in the form of a *subpœna ad testificandum*, and, that, on the solemn call of your country.

* * * * * *

"You seem to think that a congressional caucus has the power of forcing on the people whomsoever they please as President—that by bribes in one shape and another, a caucus composed of members of Congress, might be induced to place any candidate in nomination, and that such nomination would bind the people like a magic spell; that from it they would have no possibility of appeal or escape. Do you really believe all this, gentlemen? If you do, we are sorry for you. You have lived to very little purpose, and know but little of the independence of the American character. Waiving, at present, your remark on the corruptibility of Congress, and of which it is hoped you do not speak experimentally—let me ask you this question;—do you suppose that, if one of you (and let it be the most prominent character among you,) could have prevailed on the last caucus to put him in nomination, the people would have had no choice but to have made him President? It is impossible to read the question, without smiling at the supposition of an answer in the affirmative. The nomination would have been laughed to scorn. And why would it? Because there are men of another stamp who are willing to serve us: men, whom we have tried for upwards of thirty years; men, who sat at the helm through the storms of our revolutionary war; men, whom we have ever found faithful and vigilant; men, as profound in policy, as they are upright in their views; men, who have never had an object but their country's good; men, compared to whom you are but as boys of yesterday. These are the men whom our fathers have gone down to their graves, blessing; and whom we certainly shall not desert, because of your petulance and importunity."

The protestors had affirmed that a caucus was "in direct hostility with the principles of the Constitution"—but had added to this declaration—"we do not say that a consultation amongst the members of Congress respecting the persons to be recommended for the two highest offices in the Union, may not, *in some extraordinary crisis*, be proper"—and as an instance of such a crisis, they had referred to the first election of Mr. Jefferson,—"The federalists"—they said in touching upon this election,—"presented a strong phalanx, and either to succeed at all, or to prevent them from placing the candidate for the Vice-Presidency in the presidential chair, it was necessary to exert

the combined efforts of the whole republican party." To this point, "One of the People" asks:

"But why are you not in caucus, gentlemen? for the very crisis has arrived, which, according to your principles, would render it proper. There is a party which is just as obnoxious to you as ever the federal party was, and which we believe you wish, most fervently wish, to annihilate. It is the republican party, at the head of which is the present administration. It will be in vain for you to deny this. It is not in your Protest only that we look for the evidence of it: it is in your conduct on the floor of Congress. From an *occasional* difference with the measures of the administration, we should not have drawn this conclusion, because such a result might have been expected from the different structures and habits of different minds. But when we find you organized into a corps against the administration, and pursuing your opposition with as much *system*, *inflexibility*, and, I will add, *rancour*, as you manifested towards the federal administrations, we can have no doubt, that you wish their annihilation as devoutly as ever you wished that of the federalists. Yes, it is not Mr. Madison only, it is the administration which offends you. It is their united effulgence which produces all this agitation and screaming among the birds of night. They long for the day-fall, which better suits the dimness of their sight; for the season of darkness, when the peculiar conformation of their organs may give them an advantage, and their fierce and predatory spirit may have full scope for indulgence and satiety." * * *

After some cogent arguments in favour of the caucus principle, the author proceeds:

"That conference is a medium of communication between the states. It shows to one state the opinions of another, and to the United States the result of the whole. Those who, on the comparison, find themselves in the minority, *if they be the genuine friends of republicanism, of harmony and of the Union*, will sacrifice their private predilection to those great public objects; and thus, by reciprocal concessions, feuds between the states will be prevented, congressional intrigue will be avoided, and these elections will continue to fall, where the Constitution intended them to fall, on the people, by their electors. Such will always be the result, while the people continue fraternal, united, virtuous and patriotic.—Or say that a country is cursed with a congressional minority, who, instead of thus sacrificing to the public good, would sacrifice every earthly and every heavenly consideration to the views of their own inordinate ambition; then, there is the more occasion for concert and good understanding among the virtuous and pacific majority. So that whether in times

of internal peace or trouble, the conference is constitutional, harmless and advantageous.

"When was it ever more so, than on the present occasion? When (to say the least of them) a parcel of hot-brained young men, aspiring to resemble Shakspeare's character of the earl of Warwick, to be the 'builders up and pullers down of Presidents,' confederate themselves together, to traduce and ruin one of the most virtuous and able public servants that ever blessed a free nation? And did you suppose that it would be in the power of such men as you are, to shake the gratitude and attachment of the people to such a man as Mr. Madison? What could you have thought of us? what could you have thought of yourselves? Of Mr. Madison, we had supposed it might have been truly said, as Dr. Johnson is reported to have said of Sir Joshua Reynolds, that he is one of those men with whom, if a person were to quarrel, he would be the most at a loss how to abuse. But in this sentiment, Dr. Johnson went upon the supposition, that the abuse should proceed upon facts, or at least, have some small degree of resemblance to them. The power of invention and of distortion, which you have displayed, were altogether beyond his calculation."

The objection of "want of energy" is then taken up. The Protest had inveighed against Mr. Madison in this language:

"We ask for energy, and we are told of his moderation. We ask for talents, and the reply is, his unassuming merit. We ask what were his services in the cause of public liberty, and we are directed to the pages of the Federalist, written in conjunction with Alexander Hamilton and John Jay, in which the most extravagant of their doctrines are maintained and propagated. We ask for consistency, as a republican standing forth to stem the torrent of oppression which threatened to overwhelm the liberties of the country: we ask for that high and honourable sense of duty which would, at all times, turn with loathing and abhorrence from any compromise with fraud and speculation. We ask in vain."

The reply to this is spirited, caustic and personal, presenting a strong example of the author's power of sarcasm.

"This is just such pretty little sing-song composition, as schoolboys, with senses half awake, dream over for their first thesis. And who are you, that hold this language concerning Mr. Madison? As to the most prominent among you, we ask for *your* energy, and we are told of your arrogance; we ask for *your* talents, and the reply is

your sarcasms and your petulance; we ask what are *your* services in the cause of public liberty, and we are directed to your co-operation with the British cabinet and the British author of *War in Disguise*, to justify the piratical plunder of our commerce; we ask for *your* consistency as republicans, and we are told of what you were and what you are — of your former attachment to the pure principles of the administration, and your present delirious and frantic invectives against them. We ask for that high and honourable sense of duty, which, trampling with disdain on all selfish considerations of private pique and personal aggrandizement, looks only to the public good. We ask for the mind which pursues that great object with calmness and discretion; which, instead of fuming and fretting itself upon a partial view of a measure, takes the time to look comprehensively, patiently and calmly to all its consequences, in all its bearings; to allow to every consideration its due weight, and then, instead of rushing to its decision, in a state of feverish passion, takes its ground with that dignity which results from a conscious mastery of the subject — from mingled temperance and firmness.—We ask for those things; we ask in vain. As to the rest of you, we ask who are you? and we are told —you are members of Congress. We ask how you have distinguished yourselves? and we are pointed—to your PROTEST!—And you are the men who expect, that *by giving your names to the world*, you can destroy Mr. Madison! It was, indeed, high time for you to have received this salutary admonition. No, gentlemen, believe it, you are not the kind of characters who are fitted to sway the destinies of this nation. We would as soon commit them to 'Macedonia's madman, or the Swede.' Nor are the people of the United States an Athenian mob, on whom you can play off your intrigues with success. You will not speedily gain with us the name of patriots, by means of your rashness and vociferation; nor will you prevail upon us, by fictitious charges, to banish from our bosom another Aristides. You forget that we have the example of Athens before us. If, after such an example, we could repeat her follies and her crimes—banish our patriots, and applaud and flatter the fiery demagogue, until we raised him into a despot — we should deserve the remorse, the vain and unavailing remorse, the ruin and the infamy, which finally overtook her."

The following brief history of the celebrated Yazoo case is not without interest:

"But, what do you mean by raising this uproar against Mr. Madison about the abominable Yazoo business? We know that he is as perfectly clear of that transaction as you are; *and you know it too.* We understand you, gentlemen. We see you through all your mazes. You know that this Yazoo business was universally odious; you know how highly and universally our indignation was excited. You

believe that indignation so blind that you can lead it as you list, and so furious that you can cause it to sweep into indiscriminate ruin all against whom it is your pleasure to direct it. You are mistaken, gentlemen. We are not so blind as you suppose us. Nor will you find it so easy a matter as you expect, to make us, by misrepresentations, the tools of your designs and the instruments of our own disgrace. Unfortunately for you, we know the course of that whole affair too well to be imposed upon by you. We will show you that we do.

"When that country which had been the scene and the subject of the Yazoo speculation, was ceded by the State of Georgia to the United States, it passed, with all the incumbrances and claims which previously existed upon it. These were derived from various sources: 1st. From the British government while the country belonged to the British: 2d. From the Spanish crown after its conquest of West Florida: 3d. From occupancy and settlement only; and 4th. From the State of Georgia. Petitions, memorials and remonstrances swarmed before Congress, and, among others, those of the Yazoo speculators. It became important to the United States to ascertain how many of those claims were well founded and deserved to be confirmed; how many were fictitious and deserved to be rejected. By an act of Congress, passed in 1800, the commissioners of the United States who had been previously appointed to settle limits with the State of Georgia, were authorized, 1st. 'to enquire into the claims which are or shall be made by settlers, or any other persons whatsoever to any part of the lands aforesaid.' 2d. 'To receive from such settlers and claimants *any propositions of compromise.*' 3d. 'To lay a full statement of the claims and propositions, *together with their opinion* thereon, before Congress.' Mr. Madison, the secretary of state, Mr. Gallatin, the secretary of the treasury, and Mr. Lincoln, the then attorney-general of the United States, were the commissioners appointed to perform those laborious duties. They discharged them with ability; and all three concurred in the report upon this subject. In explaining the Yazoo claims, so far are they from suppressing one single feature of that hideous transaction, that they open up all the sources of corruption in which the Georgia law originated, point out the names of the corrupted members, and arrange and exhibit the proofs of that corruption. In short, they exhibit the whole of that evidence which was afterwards the theme of so much eloquent declamation in Congress. Never was there a case of infamous corruption more luminously, more ably, and more cogently developed and displayed, than that of the Yazoo, in their report. They were directed, however, by the law under which they were acting, to receive any proposals of compromise which might be made by the Yazoo claimants, and to report such proposals to Congress, together with their opinion thereon. They accordingly receive and report the Yazoo

proposals, and give their opinion that they were inadmissible. At the same time they think that there were features in this transaction which deserved their consideration and that of Congress. For instance, a great number of virtuous and innocent men at a distance from the scene of action, and who knew nothing of the corruption in which the law of Georgia originated, had been induced to become purchasers of Yazoo lands. The law itself on the face of it was not only fair, but popular. For it was an act supplementary to an act entitled, '*an act appropriating a part of the unlocated territory of this state to the payment of the late state troops.*' The Assembly of the State of Georgia, a body having full power on the subject, pledge the faith of the state for the validity of the grant. On the faith of this pledge, distant men, as virtuous as any in the United States, and knowing nothing of this case except the fair face of the law, were induced to take titles under it. The names of some of these men, well known in Virginia, appear in the report. Was it competent to the State of Georgia, one only of the contracting parties, to revoke the law, and that to the prejudice of these innocent purchasers? These were difficulties which the commissioners had to consider and to report their opinion upon. The United States had now taken the place of Georgia; it had acquired by cession a vast territory; and besides doing strict justice to itself, it was bound to do what was equitable to others. There was another view of the subject highly interesting to the government. It was bound in its decision to consult *its own dignity* in the mode of adjusting these disputes, and *its own interest* in removing all the sources of litigation and quieting the titles of its own future grantees in this territory. Considering these circumstances, the real hardship of the case to the innocent purchasers and the rich acquisition which the United States had gained in the territory, the three commissioners concurred in thinking it the most liberal and sound policy to put an end to all disputes, by giving those claimants a reasonable compensation for their disappointment and losses. This is the whole case."

We close these extracts with the eloquent defence of Mr. Madison, which seems to have been prompted no less by the just appreciation of his public service, than by a warm personal regard for the distinguished subject of these remarks.

"You object to Mr. Madison, *the want of energy.* The objection shows the company which you have been keeping. It proves that confederacy with your former political adversaries, which has been so often, and, we now find, so justly charged upon you. It is the mere echo of the old federal reproach against Mr. Jefferson, caught by you, to be reverberated against his expected successor. *The want of energy!* How has Mr. Madison shown it? Was it in standing abreast

with the van of our revolutionary patriots, and braving the horrors of a seven years' war for liberty, while you were shuddering at the sound of the storm, and clinging closer with terror to your mothers' breasts? Was it, on the declaration of our independence, in being among the first and most effective agents in casting aside the feeble threads which so poorly connected the States together, and, in lieu of them, substituting that energetic bond of union, the Federal Constitution? Was it in the manner in which he advocated the adoption of this substitute; in the courage and firmness with which he met, on this topic, fought hand to hand, and finally vanquished that boasted prodigy of nature, Patrick Henry? Where was this timid and apprehensive spirit which you are pleased to ascribe to Mr. Madison, when he sat under the sound of Henry's voice for days and weeks together; when he saw that Henry, whose soul had so undauntedly led the revolution, shrinking back from his bold experiment, from the energy of this new and untried Constitution; when he heard the magic of his eloquence exerted to its highest pitch, in painting, with a prophet's fire, the oppressions which would flow from it; in harrowing up the soul with anticipated horrors, and enlisting even the thunders of Heaven in his cause? How did it happen that the feeble and effeminate spirit of James Madison, instead of flying in confusion and dismay before this awful and tremendous combination, sat serene and unmoved upon its throne; that, with a penetration so vigorous and clear, he dissipated these phantoms of fancy; rallied back the courage of the House to the charge, and, in the State of Virginia, in which Patrick Henry was almost adored as infallible, succeeded in throwing that Henry into a minority? Is this the proof of his want of energy? Or will you find it in the manner in which he watched the first movements of the Federal Constitution; in the boldness with which he resisted, even in a Washington, what he deemed infractions of its spirit; in the independence, ability and vigour with which, in spite of declining health, he maintained this conflict during eight years? *He* was then in a minority. Turn to the debates of Congress and read his arguments: you will see how the business of a virtuous and able minority is conducted. Do you discover in them any evidence of want of energy? Yes; if energy consist, as you seem to think it does, in saying rude things, in bravado and bluster, in pouring a muddy torrent of coarse invective, as destitute of argument as unwarranted by provocation, you will find great evidence of want of energy in his speeches. But if true energy be evinced, as we think it is, by the calm and dignified, yet steady, zealous and persevering pursuit of an object, his whole conduct during that period is honourably marked with energy. And that energy rested on the most solid and durable basis—conscious rectitude; supported by the most profound and extensive information, by an habitual power of investigation, which unravelled, with intuitive certainty, the most intricate subjects, and an eloquence, chaste, lumi-

nous and cogent, which won respect, while it forced conviction. We have compared some of your highest and most vaunted displays with the speeches of Mr. Madison, during his services in Congress. What a contrast! It is the noisy and short-lived babbling of a brook after a rain, compared with the majestic course of the Potomac. Yet, you have the vanity and hardihood to ask for the proof of his talents! You, who have as yet shown no talents that can be of service to your country; no talents beyond those of the merciless Indian, who dexterously strikes a tomahawk into the defenceless heart! But what an idea is yours of energy! You feel a constitutional irritability—you indulge it, and you call that indulgence *energy!* Sudden fits of spleen —transient starts of passion—wild paroxysms of fury—the more slow and secret workings of envy and resentment — cruel taunts and sarcasms—the dreams of disordered fancy—the crude abortions of short-sighted theory—the delirium and ravings of a hectic fever—this is your notion of energy! Heaven preserve our country from such energy as this! If this be the kind of energy which you deny to Mr. Madison, the people of this country will concur in your denial. But if you deny him that salutary energy which qualifies him to pursue his country's happiness and to defend her rights, we follow up the course of his public life, and demand the proof of your charge: for we beg you not to think so highly of yourselves, nor so meanly of us, as to suppose that *your general assertion* will pass with us for *proofs:* we have not yet seen the evidence of candour and virtue which entitles you to this high ground. To your *proofs*, then, and to the retrospect of his life. Do you remember that dark and disastrous period, during the administration of General Washington, when the British marine was taking some of those stately strides which threatened to crush our infant commerce in the bud? Do you remember the resolutions brought forward by Mr. Madison at that period, to restrict the British commerce itself, and avenge the wrongs done to his country? Do you remember those celebrated resolutions, and the raptures of applause with which they were received by the people, for their well-timed and well-directed *energy?* It may be convenient to *you* not to remember these things; but do not believe that *we* shall forget them, nor that we shall fail to compare the spirited and highly applauded policy which he recommended then, with the policy which our present wise and virtuous republican minority are recommending toward the same nation now, on account of the same kind of aggressions.

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"Again, was Mr. Madison's want of energy shown in the year 1799? In that year, 'the political hemisphere' was so far from having 'brightened a little,' that its darkness had thickened till it could be felt. The Alien and Sedition laws waved their baleful sceptres over the continent, and the bosoms of patriots were every where filled with consternation, and almost with despair. It was believed that public

liberty had no hope, no refuge but in the State governments. It had been announced from the presidential chair, that there was a party in Virginia, which was to be 'ground into dust and ashes.' The resolutions of Colonel Taylor, in 1798, treated with neglect or contempt by the other great States, had proved that the Legislature of Virginia was the last stand of our political freedom and happiness:—and to crown the climax of danger and disconsolation, the distinguished Patrick Henry came again from retirement, with the view, as it was understood, to assault and dislodge them from this their last station. Such was the inauspicious, the all-important, the decisive crisis, when James Madison, with a frame still languishing under sickness, but with a spirit firm, erect and intrepid, came forth in the cause of liberty and his country. Who can forget that moment? Who can forget how the little band of Virginian patriots crowded around this republican champion, to catch the accents of a voice rendered feeble by disease? Even yet we have this virtuous and fraternal group before us. Who can forget how the night of despair first began to give way;—how hope, at first, faintly dawned upon each cheek, as uncertain of the issue; until under the inspiring strains of his voice, she assumed a deep and determined glow, and sparkled with exultation in every eye? Who can forget the resplendent triumph of truth and reason exhibited in his report? Who that loves his country can cease to love the man, whose genius and firmness gained that triumph? Not the American people, be assured, gentlemen. Yet we find that one of you, under the signature of Falkland, in a late Enquirer, can recall that epoch with far different emotions; can gratify his spleen by fancying what would have been the result of a *rencontre* between Mr. Henry and Mr. Madison, if it had not been prevented by the death of the former;—how the genius of Madison would have sunk and fled before the impetuous and overwhelming eloquence of Mr. Henry. The writer obviously derives a species of malignant pleasure from brooding over this imaginary triumph, although if gained, it would have been at the expense of his country. This is his virtue: this, too, is his candour! Had he forgotten the convention of Virginia, where Henry, in all his glory, was foiled by the transcendant powers of James Madison? Or, did he think the defence of the Alien and Sedition laws a better cause, than the contending for previous amendments to the Constitution? Wretched, most wretched is the fate of that writer or that man who deserts the plain highway of conscience and of candour, for the dark and crooked mazes of intrigue and cunning—of trick and misrepresentation: he may, as the wise son of Sirach has said, 'work his way for a time, like a mole under ground, but by-and bye, he blunders into light, and stands exposed with all his dirt upon his head.'

* * * * * *

"Mr. Madison, it seems, left his post in Congress, in the moment

of danger, and took refuge in retirement. This is just as cand the rest of your reproaches. The case was this. Mr. Madison devoted two-and-twenty years of the prime and flower of his li the service of his country: he had not spent those years in s 'yea and nay,' nor, what is worse, in venting barbarous sarcasm writing protests disgraceful to his virtue and understanding, a playing the part of Thersites in the camp of Agamemnon! those years had been spent in beneficial services, in the discharg the most arduous duties, in the most intense and unrelaxing exe of his pre-eminent faculties in the cause of liberty and repub government. In the mean time, his private affairs had been negl —his constitution had received a serious shock—his health was visible and alarming decline. In these circumstances, at the clo General Washington's administration, he sought an interval to his estate in order, to recruit his health, if that were possible, otherwise, to provide for the awful change which he had too reason to apprehend. It was in 1797 and '98, that he was thu gaged. But we have seen, that in 1799, when the dangers o country had increased almost to desperation, although his health so far from being confirmed that it had become worse, he again his appearance on the political theatre, with the same signal gall which had ever distinguished him. He has been in public life since. And those two years of repose and of private duty, so re able, so necessary to him, are what you would have us to consid a cowardly flight from danger! We are not barbarians. You d your own purpose, gentlemen; you wish to destroy Mr. Madi but you force us to recall his services, and to reflect how immac must be that life, against which malice itself can bring no b charges.

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"But let us see how well this quadrates with your next ch This is, that Mr. Madison, in conjunction with Mr. Jay and Hamilton, wrote the work called The Federalist, in which the objectionable doctrines of the latter are maintained. Now the jection to the doctrines of the latter gentleman was, that they *too energetic*. In one breath, then, Mr. Madison wants energy the next, he has too much of it.—This is the unity and consist of truth.—But, why, again, are you so vague and so general in charge about the Federalist?—Our jurists tell us '*dolus latet in g ralibus*'—deception lurks in general expressions; and the truth o maxim was never more strikingly exemplied than in your treat of Mr. Madison. You mount some eminence, and, with a trump your mouth, you bawl out, 'Yazoo,' 'want of energy,' 'the Fed ist—Jay and Hamilton.' It does not suit you to descend to par lars, because you know that the charges require but to be seric examined, and they are at once falsified and exposed. You know

odium attached to the words which you utter, and regarding your countrymen as a pack from the kennel, you seem to think that you have nothing to do, but to point out the game, and set us on. But we are not quite such beasts as you are pleased, *most respectfully*, to consider us. Instead of being ready to worry a patriot whose virtues offend you, we will protect and cherish him against your injustice and most undeserving persecution. The Federalist? We know that it is a defence of the Constitution which we are all sworn to support: and where is the crime of Mr. Madison's having participated in that defence? Is it criminal in Mr. Madison to have defended the Constitution by written argument, and yet not criminal in you and in us to have sworn to support it? This is another evolution of the strength and clearness of your discernment! Since you will not descend to particularize the passages in the Federalist which Mr. Madison wrote and which give you offence, permit us to extract one which is calculated to give you consolation in *the prospect before you*, since it promises the continuance of your honourable existence as a body;—'Liberty is to faction, what air is to fire; an aliment, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air which is essential to animal life, because it imparts to fire its destructive agency.' This is a general answer to a general charge. When you give that charge a definite form, it shall receive a definite answer."

The letters conclude with a retaliatory assault upon the protestors:

"There is obviously an effort to keep back a part of your wishes. Speak out, gentlemen; after the lengths which you have gone, it is the height of folly to be squeamish. Or, if you will not speak out, we will do it for you. This is your wish. You wish some man to be appointed the next President, who, you believe, looks upon the present administration with the same hostility which you do; in other words, you are displeased with the character of the present administration, and you wish a different character to be introduced. This is the whole of the secret with which you have been labouring and floundering throughout this most unfortunate, self-murdering Protest. But you perceive that the people of the United States are of a different opinion. They approve the character of the present administration; they wish that character continued; they know that it will be continued by the election of Mr. Madison. These are truths which stare you in the face, and fill you with the pangs and agonies of despair. The prospect of being again in a little and wretched minority, during the next administration, is more than your proud and lofty spirits can support.—Learn, then, to avoid it. Learn to have no interests but those of the people. Forget the wicked dreams

of ambition which have disturbed your brains. Return to virtue and to the people; and the people will forgive you."

These letters attracted a great deal of observation. Replies were published, and a war of considerable virulence was waged between the author and his opponents. Some references to this will be seen in his correspondence of this year.

We are struck, in the perusal of these papers of "One of the People," with the acrimony of the discussion. They show us that the political asperities of our own day are inherited from another generation, and belong, we may infer, to the nature of our government, and in some degree, perhaps, to the character of our race. Few men were more tolerant of opinion than Wirt, few less likely to be excited by political stimulants into the exhibition of acerbity of temper:—but we may remark also that no man was ever more prompt or zealous to defend a friend from the assaults of an enemy than he. In the performance of this office for Mr. Madison, he may have indulged a sharper tone of rebuke and a larger license of invective than his own judgment, in a moment of more repose, might approve. His letters to his friends, contemporary with these political effusions, seem to imply this. The authors of the Protest were gentlemen of high standing in the country, many of them distinguished, then and afterwards, for their devotion to the public welfare and effective usefulness in the national councils; and, in after life, personally esteemed by Mr. Wirt, as friends worthy of all regard. They had, however, commenced the war, and could hardly expect less quarter than they received in the conflict;—though, we may suppose, little expecting to encounter the champion which Richmond supplied in "One of the People."

Whilst these letters were in progress of publication, Wirt found himself most unexpectedly, and without any agency on his own part, proposed to the city of Richmond as a candidate to represent that constituency in the House of Delegates. His opponent was Colonel Carrington, one of the most worthy and influential gentlemen in that community. Quite as unexpectedly, he was elected.

Writing to Mrs. Wirt from Williamsburg, on the 11th of April, 1808, some days before the election in Richmond was to be held, he says—

"There is an election here to-day, which reminds me of that in Richmond. The total indifference with which I contemplate the Richmond election, convinces me that political ambition is not one of my sins. In many points of view, it would be permanently and infinitely to my advantage to be left out. I beg you, therefore, not to heave one sigh at Col. C.'s election, nor think that your husband is the less respected by the wise and the good, because he is not preferred by the freeholders of Richmond to Colonel C. It is no disparagement to any young man, that a patriot so old, so long tried, so virtuous and so worthy in every point of view as Colonel C., is preferred to him. I regret extremely that, by being unintentionally and unexpectedly drawn into collision with him, I have been made to have the appearance of implying a doubt of his fitness, or of entertaining a vain opinion of my own; both which opinions I most sincerely disclaim. But you know how I was brought into this scrape, which, I promise you, is the last one of the kind."

The history of political contest in the United States does not often present specimens of reserve and modest personal estimate resembling this. We record such manifestations of opinion as is here implied, both in regard to what is due to the public service, and to the humility of self-judgment, with a peculiar pleasure, for the instruction of the present generation, when almost every man seems to believe himself gifted with all the attributes of wisdom, talents and learning necessary to the discharge of any public function whatever. At this day, when the most profound problems of political economy and jurisprudence, and all the mysteries of wise legislation, and all the science necessary for skilful diplomacy, are supposed "to come by nature," or to derive their highest finish and perfection from the severe discipline of the stump, and to find in every forum erected at a country cross-road or porch of a village tavern, an academy competent to furnish full-blown and accomplished statesmen, it may be well to recur to the example of that earlier epoch of our republic, when a man so gifted as William Wirt, so laboriously trained and so successfully tried, could speak in such terms of distrust as to his fitness for a seat in a State Legislature. Forty years ago, evidently, the men of America were not so confident, in regard to their own merit, as they have grown of late. The march of intellect, which we now call "Progress,"

has done wonders in the supply of the finished material of statesmanship.

In the presidential contest of this year, the opposition to Mr. Madison had, in part, looked to Mr. Monroe, as a point of concentration. He was named as the competitor of the caucus candidate, and a strong effort was made to give him the support of the republican party. Mr. Wirt, as we have seen, enjoyed the friendship of Mr. Monroe, equally with that of Mr. Madison. Indeed, the personal relation which he held to Mr. Monroe was even more intimate and confidential than that which he held to his competitor. This circumstance led to the choice of Wirt, as one of a committee in Richmond, to promote the success of Mr. Monroe's election. When this choice was communicated to him, he declined the appointment, and took occasion to explain to Mr. Monroe the grounds upon which he did so—his preference, at that juncture, for Mr. Madison. The following letter has reference to this matter, and presents, in an advantageous light, the delicacy and frankness of the writer. It is proper to remark, that this letter was written before the occasion had arisen for the essay signed "One of the People."

TO JAMES MONROE.

RICHMOND, February 8, 1808.

DEAR SIR:

On going into court to-day, I found business enough cut out for me to keep me closely engaged both to-night and to-morrow forenoon. So it will not be until to-morrow evening that I shall have it in my power to see you on the subject to which you referred this morning.

Feeling for you the same sincere and cordial friendship that I have ever done, since I had first the pleasure of knowing you, and conscious that I was now as worthy of your confidence as I have ever been, it did not occur to me this morning to state to you a circumstance which perhaps, may make it less agreeable to you to communicate with me on the proposed subject, and which may diminish the weight of any friendly opinion which I may give on it. On recalling our short interview of this morning, I think that candour and honour require me to mention this circumstance. It is this. I was called on to act as one of the standing committee to promote your electoral ticket. I declined it; stating that, although personally more warmly attached to you than to Mr. Madison,—for I knew you much better,—and although I thought it would make very little difference to the happiness

of the people of the United States, which of you was President, yet, for political considerations, I preferred Mr. Madison. I went further, —for it was a mutual friend of ours who spoke to me,—I added that I much feared, if your friends persisted in running you, after the sense of the State and of the United States should be, at least, strongly indicated, if not demonstrated by the votes of the State and congressional legislatures, that it might have a permanently ill effect on your political standing. For, although I myself, and the friends here who are in the habit of intercourse with you, might know the truth, yet I feared that there was danger that the people of the United States might be led to incorporate and identify you with the minority in Congress, the opponents of the present most popular administration. And if they should take such an opinion in their heads, I feared that you were gone irretrievably. Indeed, my dear sir, so strongly have I felt this apprehension, that I have been several times on the point of going and expressing it to you. Nor has any thing restrained me from it but that, having expressed a preference for Mr. Madison, I thought it might be considered indelicate, if no worse, in me to attempt to remove the competition.

I have thought it proper thus to disclose to you what has been my past course and opinions on this subject; submitting it to your own feelings entirely, whether, after this, you would choose to communicate with me as you intended. If this be still your pleasure, I shall be happy to wait on you; and I shall be prepared to give you as sincere and friendly an opinion, as if this presidential competition had never occurred; for I am, in deed and in truth,

Your friend,

WM. WIRT.

Whilst we have this letter before us, it may be well to show with what impressions Mr. Monroe received this friendly explanation. This we are enabled to do from a letter of his to Mr. Wirt, not written in reply to this, but some months afterwards, when the presidential contest had terminated in the election of Mr. Madison. The communication from Wirt, referred to in this letter, I have not seen. Doubtless, the issue of the late contest had opened Mr. Monroe's mind to the suspicion that his friends might have misconstrued his motives and purposes, in submitting his name to the competition in which it was used; and we may suppose also that they felt all the difficulties of the position in which he was placed: that Wirt had intimated this to him, in the letter to which this is a reply. This letter from Mr. Monroe expresses, with an honourable sensibility, his perception of this embarrassment of his friends, and leaves nothing to mar the esteem

and confidence which had so long subsisted between himself and the individual to whom it is addressed.

RICHMOND, December 20, 1808.

DEAR SIR:

Your letter of this day has equally surprised and hurt me, by intimating a suspicion that it was my desire, on account of the late presidential contest, to separate from such of my old friends as took part against me. I really thought that my conduct had, in no instance, given the slightest cause for such a suspicion. Let me ask, has it done so in regard to you? Did I not consult you on some important topics, after I knew that you were not in my favour? And have I ever returned to town, after an absence from it, without calling on you? Have you ever returned those calls?

These circumstances produced no effect on my mind of alienation. I considered the existing state as being equally painful to them and me, and I waited for its transit to show what my real feeling and disposition were to those of my old friends alluded to. You will be sensible that while that contest depended, the delicacy of my situation imposed on me the necessity of much retirement, and that, by observing it, I respected the personal honour and independence of my friends, as well as my own.

It is a fact, that at the moment I received your letter, I was engaged in writing notes to yourself and other friends to dine with me on Thursday. This will show that I shall accept your invitation with pleasure for that day, postponing my invitation to the next. I need not add that I shall at all times be happy to see and confer with you on such topics as you desire,

Being very sincerely

Your friend,

JAMES MONROE.

We recur now to the track of Mr. Wirt's correspondence, offering a few letters which were written during the period of the political excitements I have described. In these letters will be found some glimpses of personal history which may not be unacceptable to the reader.

TO DABNEY CARR.

RICHMOND, May 11, 1808.

MY DEAR FRIEND:

* * * * * *

The essays signed "One of the People" were written by me under the pressure of importunity from some of my friends here, at a period

hen I could ill spare the time, and in such haste that the printer's y was, half the time I was engaged in them, pushing me for the py. Under such circumstances, you will not be surprised that the mposition is loose and coarse, and the style, in many passages, arked with a heat and asperity which the subject did not require.

I wish I had taken more time about them. The cause was a good e, and the protestors might have been castigated with a decorum at hich the modest cheek of Madison would have felt no blush. But is too late to repine; I must endeavour to profit by experience, and keep myself more cool and discreet hereafter.

You have seen the reply by "One of the Protestors." This is —. His style is certainly not that of a gentleman, and my first pulse was to have answered him *cum argumento baculino;* but re-embering that I was the aggressor, and had, perhaps, treated the ntleman a little harshly, my next impulse was to suffer the vapid iff to die in peace, and the party to sink down, without interruption, to that nothingness to which they are so rapidly tending. Some of y friends here think I ought to reply. Will not this be giving an portance to those publications which they do not deserve? Will it t be *impoliticly* protracting the existence of the minority? Will ey not perish soon enough of themselves, if we let them alone?

When I said, in the Enquirer, that I should be glad to receive the omised respects of "One of the Protestors," I made sure that John ndolph was coming out. I would have engaged with Achilles, but do not relish a combat with one of his myrmidons. If I thought, wever, that the people,—I mean the judicious part of them,—ex-cted it of me, I would reply to him. What do they say with you? hat does Peter say of it? What do you say? Let me have your swer as soon as possible, since, if I am to reply, it ought to be done mediately.

* * * * * *

Let me be remembered to all our friends.

Heaven bless you!

WM. WIRT.

TO DABNEY CARR.

RICHMOND, May 23, 1808.

Y DEAR CHEVALIER:

* * * * * *

I was not much pleased with the style of "One of the People." I a sorry for having written it—not for any thing that the calf's-head, One of the Protestors," has said, but because I do not think that is in the style in which Mr. Madison should be defended, nor in hich any man should write who aspires at maintaining in society a re and dignified character. The protestors deserved to be scorched;

but I think it might have been done even more effectually, and certainly more to the honour both of Mr. Madison and the writer, by a chaste and polite style. But the die is cast; and the question is, how to carry on the game.

This morning has brought out the third and last number of "One of the Protestors." A more infamous piece of personal abuse, of the very lowest order, has never been published. All my friends here concur in the opinion that he does not deserve a reply. I shall, perhaps, give him a short one; but the Court of Appeals and Federal Court being both in session, and there being several of my clients in town, pestering me with the examination of Commissioner's reports, I have not a moment to give to the consideration of the protestor.

Meantime you would be pleased to see with what composure and peace I take this scurrility. I believe that it can do me no possible injury. If I thought it could, I would certainly resort to the stick. But while my life is constantly belying his charges, they will not be relied on. The reader who does not know me will inquire into their truth of those who do, and learning that they are false, will estimate the writer as he deserves, and me as I deserve.

Your friend,
WM. WIRT.

I conclude this chapter with another letter to Mr. Edwards, filled, as all Wirt's letters to this worthy gentleman are, with the affection and gratitude of a son.

TO BENJAMIN EDWARDS.

RICHMOND, July 2, 1808.

MY DEAR AND EVER HONOURED FRIEND AND FATHER:

I have read, half a dozen times, with swimming eyes, your precious letter of the 8th of April last. Our courts have been sitting, without intermission, ever since the 1st of February till the 28th of last month, or I should sooner have acknowledged your goodness in writing to me under so much pain. Your friendship and affection for me, are among the purest and sweetest sources of happiness that I have upon this earth. Judge, then, with what feelings I hear of your ill health. Yet I trust that the same gracious Providence, "who makes the good his care," and who raised you once before from the bed of torture, will spare you still to your family and friends. I have been afraid that you do not take exercise enough, yet Mr. Street, the editor of "The Western World," handed me, the day before yesterday, a letter from my brother Ninian, dated April 11th, three days after yours, in which he says that you had been, lately, at

his house. That, I apprehend, is nearly as long a journey as would bring you to the mineral waters in Virginia. Would not this excursion, aided by the waters and the animation of the company, promise to give a tone to your system, and remove the torpor and debility of which you complain?

I wish you could believe it prudent and advisable for you to take such a step, because I should then have it in my power to see you once more. I would certainly meet you at the Springs, and receive your blessing; and my wife and children, from the sentiments they have for you, would accompany me, with all the piety of pilgrims. My imagination has dwelt upon this meeting, until I begin to feel a strong presentiment that it will certainly take place. My brother Ninian and his family would, I dare say, attend you. What a happy group should we form! How would we talk over the days that are past, till torpor and debility, and sickness and sorrow would fly and leave us to our enjoyments. What do you say to this project? I have a sanguine hope that you will find it as judicious in reference to your health, as I am sure it would be exquisitely grateful to your feelings. And if we meet once, and your health should become settled again, might we not devise a scheme of meeting at the same place every two or three years? By these means our children would become acquainted, and the friendship which has subsisted between us would be continued in them.

I leave it to your heart and your fancy to develope this idea, through all its consequences. To me, *the anticipation*, merely, is delightful; and, in spite of Mr. Harvie's doctrine to the contrary, I believe *the reality* would be still more so. Will you not think of this? Take medical counsel upon it, and let me know the result?

Yes!—there is nothing more true than what you say. "When we must die, there is nothing like a well-grounded hope of future happiness, except a perfect faith, which removes all doubt." I thank God that I have lived long enough, and seen sorrow enough, to be convinced that religion is the proper element of the soul, where alone it is at home and at rest. That to any other state, it is an alien, vagrant, restless, perturbed and miserable,—dazzled for an hour by a dream of temporal glory, but awaking to disappointment and permanent anguish. It is the bed of death which chases away all these illusive vapours of the brain which have cheated us through life, and which shows us to ourselves, naked as we are. Then, if not sooner, every man finds the truth of your sentiment, the importance of a well-grounded Christian hope of future happiness. We need not, indeed, so awful a monitor as a death-bed, to convince us of the instability of *earthly* hopes of any kind. We have but to look upon nations abroad, and men at home, to see that everything under the sun is uncertain and fluctuating; that prosperity is a cheat, and virtue often but a name. Look upon the map of Europe. See what it was

fifty or sixty years ago—what it has since been, and what it is likely to become. Formerly partitioned into separate, independent and energetic monarchies, with vigorous chiefs at their head, maintaining with infinite policy, the balance of power among them, and believing that balance eternal: France, in the agonies of the birth of liberty, her *campus martius* resounding with *fetes*, in celebration of that event: the contagion spreading into other nations: monarchs trembling for their crowns, and combining to resist the diffusion of the example: the champions of liberty, and Bonaparte among the rest, victorious every where, and every where carrying with them the wishes and prayers of America. Yet now see, all at once, the revolution *gone*, like a flash of lightning; France suddenly buried beneath the darkness of despotism, and the voracious tyrant swallowing up kingdom after kingdom. The combining monarchs thought that they were in danger of nothing but the propagation of the doctrines of liberty; but ruin has come upon them from another quarter. The doctrines of liberty are at an end, and so are the monarchies of Europe —all fused and melted down into one great and consolidated despotism. How often have I drunk that Cæsar's health, with a kind of religious devotion! How did all America stand on tiptoe, during his brilliant campaigns in Italy at the head of the army of the republic! With what rapture did we follow his career; and how did our bosoms bound at the prospect of an emancipated world! Yet see in what it has all ended! The total extinction of European liberty, and the too probable prospect of an *enslaved* world. Alas! what are human calculations of happiness; and who can ever more rely upon them!

If we look to the state of things in our own country, still we shall be forced to cry, "all is vanity and vexation of spirit." Look at the public prints with which our country is deluged, and see the merciless massacre of public and private character, of social and domestic peace and happiness. Look at the debates in Congress. Where is the coolness, the decorum, the cordial comparison of ideas for the public good, which you would look for in an assembly of patriots and freemen, such as was seen in the old Congress of 1776? Nothing of it is now to be seen. All is rancour, abuse, hostility and hatred, confusion and ruin.

* * * * * * *

According to my present impressions of happiness, I would not exchange the good opinion of one virtuous and judicious man, for the acclamation of the millions that inhabit our country; not that these would not be grateful,—but as for taking them as a basis of happiness, I would as soon think of building a house on the billows of the sea.

* * * * * * *

Yours most sincerely,

WM. WIRT.

CHAPTER XVII.

1809.

HIS SERVICE IN THE LEGISLATURE.—PREFERENCE FOR PRIVATE LIFE.—LETTERS TO EDWARDS.—LITERARY DREAMS.—ACRIMONY OF PARTY POLITICS.—EDUCATION.—MISGIVINGS IN REGARD TO THE GOVERNMENT.

WIRT'S service in the Legislature of Virginia, during the session of the winter of 1808–9, was the beginning and end of his connection with public life through the medium of popular election. This assumption of the character of a representative, may be regarded rather as an accident in his career than the result of any meditated plan. He seems to have been impressed with the conviction that popular favour was too frail a staff for a wise man to lean upon for support, however useful it might sometimes be to enable him to walk more rapidly upon his journey, or leap over an occasional impediment in his path. Confiding in his ability to move onward without this help, he preferred the success which was to be won by his own labours in a private sphere, to the renown which he might reasonably have expected from the exhibition of his talents upon the stage of public business. We may not impute this determination to a want of civic virtue. We have seen that no man in the community of which he was a member was more prompt than he to make a personal sacrifice to public duty when it seemed to be required; nor was there any who felt a more lively concern in the progress of public events. We have the proof of this in the readiness with which he volunteered his services in expectation of the war, and in the zeal with which he participated in the great question of the presidential election. We may infer from these incidents, that he would not have refused a summons to the duties of public station, if he had believed that his personal submission to such a call were enjoined upon him by any clear exi-

gency which could not have been met by other citizens as well adapted to the service and more anxious to undertake it. His modest estimate of himself, so apparent in his letters, suggested to him, doubtless, that no such exigency could exist, and thus justified him in the resolution he had adopted. The theory of our government clearly implies a duty on the part of every citizen, to render such service to the state as may be necessary to the conduct of its affairs, and which it may be in his power to contribute. Where the people make this demand upon any one citizen, his refusal to comply with it can only be justified by the fact that others as capable may be found, or that his compliance may expose him to the sacrifice of important personal interests, such as the community have no right to ask of a citizen except in some great public emergency. It does not often happen that an occasion arises to test the strength of this obligation, and, therefore, it is but little familiarized to the reflections of the people,—although we are not without notable and illustrious examples in our history, of the grave submission of the wisest and most enlightened patriots to its dictation.

During the brief term of Wirt's service in the Legislature, we have to note his participation in a proceeding there which attracted much public attention in the State, from its connection with an exciting topic of national concern. The interesting posture of our affairs, in relation to the principal belligerents of Europe, had fallen under the notice of the Legislature in some resolutions upon the subject, which were referred to a special committee, of which the delegate from Richmond was one. A report upon the resolutions was drawn up by him. This report presented a review of the French decrees against American commerce, and of the British orders in Council, in both of which the country had found so much to vex and exasperate the national pride. The theme was treated with the spirit characteristic of the time, and furnished occasion for the expression of strong and indignant language, pointed and polished with all the skill which the author was able to employ. In his review of the subject, the course of Mr. Jefferson's administration was brought into notice, and was vindicated with the zeal of an advocate impelled not more by conscientious approval of the wisdom of its policy, than by warm personal friendship for the leader by whom it was directed.

With this brief reference to the short political episode in the career of the subject of my memoir, I continue his letters.

TO BENJAMIN EDWARDS.

RICHMOND, February 26, 1809.

DEAR SIR:

* * * * * * *

And now let me tell you how grateful I feel for this, "the longest letter that you have written since the commencement of your disease." It is so perfectly in the style of your conversation that I heard the sound of your voice in every line, and saw every turn in the well-remembered expression of your face. * * * * There are parts of your letter which make me smile. You wish me to aspire to the Presidency of the United States:—this is so much like your Mount Pleasant talk! *Then*, it was extravagant enough, although at that time I was but sixteen or seventeen years of age, and had a whole life before me to work wonders in; but *now* you seem to forget that I am in my six-and-thirtieth year, by which time the colour of a man's destiny is pretty well fixed, and that besides being so old, I have yet a fortune to make for my family before I could turn my thoughts to politics. No, no, my dear friend, I make no such extravagant calculations of future greatness. If I can make my family independent, and leave to my children the inheritance of a respectable name, my expectations, and, believe me, *my wishes*, will be fulfilled. For the office of Secretary of State, under Mr. Madison, I am just about as fit as I am to be the Pope of Rome:—nor ought I, nor would I, accept it, in my present circumstances. It would be to sacrifice my wife and children on the altar of political ambition. I have no such ambition, and my not having it, is one among a thousand proofs that I am unfit for that kind of life; for nature, I believe, never yet gave the capacity without the inclination. I am writing unaffectedly and from my heart. I know enough of the world to know that political power is not happiness, and that my happiness is nowhere but in private life and in the bosom of my beloved family. I think I may be able to attain distinction enough in my profession to have it in my power, in ten years, to retire from the bar into the country, and give myself up to the luxury of literature and my fire-side. You will say that this is selfish—that a man's first duty is to his country; and you will tell me of Curtius, and Cato, and Brutus. I admit the grandeur of their virtues, but I am neither a Curtius, a Cato, nor a Brutus. There are thousands of my countrymen better qualified than myself for those high offices, and as willing as capable. Should I attempt to give myself the precedence to such men, it would not be love of country, but self, that would impel me.

The wish to see my country prosper is not compatible with a wish to see the reins of government in hands that are unfit to hold them; and to wish them in my own, would be to wish them in such hands. Hence my duty to my country is so far from opposing that it accords with the real wish of my heart for independence and domestic peace. These are the principles by which I am regulating my life, and I should be almost as sorry to have them disturbed, as a Christian would the foundations of his faith.

Monroe is certainly a virtuous and excellent man. I opposed his election, but my opinion of him is unaltered. By-the-bye, my dear wife, who is a good federalist *by inheritance*, drew her pencil through that part of your letter in which you speak *of the federalists and tories* who supported his election. She wanted to show your letter to her mother; but as both her father and mother are federalists *of the first water*, and supported Monroe, she was afraid that this passage would defeat the effect which she wished the letter to produce—that is, to inspire them with the same love and respect for you which she feels herself. I think it a misfortune to Monroe that he had the support of which you speak; but as it was unsolicited and undesired by him, I do not think he ought to be blamed for it. I wish the federalists were all like you—Madisonian federalists; and I wish the republicans were all like him,—that is, tolerant, candid, charitable and dispassionate. I should then have some hopes of the duration of the republic;—but as it is, may Heaven protect us! If you knew Mr. Jefferson personally and intimately, you would know him to be among the most simple and artless characters upon earth. His fault is, that he is too unguarded: if he had more of General Washington's reserve, he would be less in the power of his enemies than he is. I do not know that this would make him a more *amiable* man, but it would make him a happier one.

* * * * * *

I am delighted with the account you give me of Cyrus' parts. Has he read Locke's Essay on the Human Understanding? If not, I wish he would try it: I consider it a pretty good test of a young man's vigour. When I was about fourteen years old, a friend made me very flattering promises, if I would read Locke through twice, and produce a certificate from a gentleman whom he named, that I was master of his meaning. He intimated that I should be considered as a sort of phenomenon if I achieved this task. It was on Sunday, I recollect, when I received this letter; and I went instantly to Parson Hunt's library, took out the book, and, spreading a blanket on the floor, up stairs, laid down flat on my breast,—the posture in which I had been accustomed to get my Homer's lesson, and which I therefore supposed was peculiarly favourable to the exertion of the mind. I was soon heels over head among "innate ideas," subjects which I had never before heard of, and on which I had not a single idea of any kind,

either innate or acquired. I stuck to him, however, manfully, and plunged on, pretty intelligently, till I got to his chapter on "Identity and Diversity," and there I stuck fast, in the most hopeless despair; nor did I ever get out of that mire, until I again met with the book in Albemarle, when I was about twenty-three years of age. Even then, as I approached the chapter on Identity and Diversity, I felt as shy as the Scotch parson's horse did, when repassing, in summer, part of a road in which he had stuck fast the preceding winter. Cyrus is two years beyond the time at which I made the experiment, and I do not doubt that he will bound over it like the reindeer over the snows of Lapland. Locke is certainly a frigid writer to a young man of high fancy. But whoever wishes to train himself to address the human judgment successfully, ought to make Locke his bosom friend and constant companion. He introduces his reader to a most intimate acquaintance with the structure and constitution of the mind; unfolds every property which belongs to it; shows how alone the judgment can be approached and acted on; through what avenues, and with what degrees of proof, a man may calculate with certainty on its different degrees of assent. Besides this, Locke's book is auxiliary to the same process for which I have been so earnestly recommending the mathematics; that is, giving to the mind a fixed and rooted habit of clear, close, cogent and irresistible reasoning. The man who can read Locke for an hour or two, and then lay him down and argue feebly upon any subject, may hang up his fiddle for life: to such a one, nature must have denied the original stamina of a great mind.

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That Heaven may restore and confirm your health, and continue to smile with beneficence upon yourself and your family, (who, I believe, are as dear to my heart as the closest consanguinity could make them,) is the devout and fervent prayer of

Your friend,

WM. WIRT.

The next letter contains a pleasant day-dream, characteristic of the ambition of the writer, but which, unfortunately, was never realized. We may smile at this picture of hopes, which the contingencies of after life may be said rather to have displaced for others more brilliant, than to have disappointed.

TO BENJAMIN EDWARDS.

RICHMOND, June 23, 1809.

MY EVER-HONOURED FRIEND:

Yours of the 15th ult. reached this place a week ago. I was then in Norfolk, in the Admiralty Court, and learned, with sorrow, by a letter from my wife, your inability to meet us at the Springs. In

consequence of this, our own resolution of going thither is very much shaken; and I doubt much whether we shall go higher up the country than to my wife's sister's, Mrs. Cabell, who lives in Buckingham, a county bounded to the west by the Blue Ridge. There we shall get the mountain air, avoid a hot journey and a good deal of expense, which we would have encountered cheerfully, in the hope of meeting you and some portion of your family. This inducement removed, the objections to the jaunt remain without a counterpoise; and we must submit with as good a grace as possible to the disappointment, still cherishing the hope that, by some means or other, at some place or other, we shall yet meet before we bid adieu to the world. In the meantime, lest it should be otherwise, from your parental anxiety for me, I am sure you would be glad to know what is to become of me, and how I am to pass through life. I have looked into this subject of my future life with a vision as steady and distinct as I can command, and now give you the result. In the course of ten years, without some great and signal misfortune, I have reason to hope that I shall be worth near upon or quite one hundred thousand dollars in cash, besides having an elegant and well-furnished establishment in this town. I propose to vest twenty-five thousand dollars in the purchase, improvement and stocking of a farm somewhere on James River, in as healthy a country as I can find, having also the advantage of fertility. There I will have my books, and with my family spend three seasons of the year—spring, summer and fall. Those months I shall devote to the improvement of my children, the amusement of my wife, and perhaps the endeavour to raise by my pen a monument to my name. The winter we will spend in Richmond, if Richmond shall present superior attractions to the country. The remainder of my cash I will invest in some stable and productive fund, to raise portions for my children. In these few words, you have the scheme of my future life. You see there is no noisy ambition in it; there is none, I believe, in my composition. It is true I love distinction, but I can only enjoy it in tranquillity and innocence. My soul sickens at the idea of political intrigue and faction: I would not choose to be the innocent victim of it, much less the criminal agent. Observe, I do not propose to be useless to society. My ambition will lie in opening, raising, refining and improving the understandings of my countrymen by means of light and cheap publications. I do not think that I am Atlas enough to sustain a ponderous work: while a speculation of fifty or a hundred pages on any subject, theological, philosophical, political, moral or literary, would afford me very great delight, and be executed, at least, with spirit. Thus I hope to be employed, if alive, ten years hence, and so to the day of my death, or as long as I can write any thing worth the reading. Voltaire (voluminous as his works now are, as bound up together) used to publish, in this way, detached pamphlets; and so did many others of the most distinguished writers

in Europe,—all the essayists and dramatists, of course, and many of the philosophers. This mode of publication is calculated to give wider currency to a work. There is nothing terrible in the price, or the massive bulk of the volume. The price is so cheap, and the reading so light, as to command a reader in every one who can read at all, and thereby to embrace the whole country. May not a man, employed in this way, be as useful to his country as by haranguing eloquently in the Senate? The harangue and the harangue-maker produce a transient benefit, and then perish together. The writer, if he have merit, speaks to all countries and all ages; and the benefits which he produces flow on forever. To enjoy them both would be, indeed, desirable to a man who could feel sufficient delight in the applause of his eloquence to counterbalance the pain which the cabals, intrigues, calumnies and lies of the envious and malignant would be sure to inflict upon him. This I think I could never do; and I shall, therefore, attempt that kind of fame which alone I can find reconcilable with my happiness.

By perusing these two pages, you may look forward through futurity to the end of my life, and, from the point on which you now stand, take in my whole prospect. One thing, at least, your adopted son promises you; that he will transmit to his posterity a name of unblemished honour: and he flatters himself that in future time, they will look back to him as the founder of a race that will have done no discredit to their country. This is vanity, but, I hope, not vexation to your spirit:—for with whom can I be free, if not with you? I flatter myself that you have that kind of love for me, which would make you desirous of seeing how I shall conduct myself through life; but since, in the ordinary course of things, this cannot be, the next degree of enjoyment is to see it by anticipation, and for this purpose it is, that I have been trying to lead you to the summit of Pisgah, and show you my promised land.

But enough of it. Your letter gives a view of the advanced life of parents, not the most cheering that could be imagined. But then, those children whom you went to Kentucky to live with, although widely dispersed, are all in the road of honour, prosperity and happiness. They could not have remained with you always: you should not have desired it. They were to be established in the world; and you have the delightful knowledge that they are well-established. What a feast is this reflection to a heart like yours! Contrast it with the idea of their always having remained about your house, your daughters old maids, and your sons lazy old bachelors. You would have had their company, indeed,—but what sort of company would it have been? And if you once admitted the idea that they were to be married or settled, I am sure you were not chimerical enough to expect that they would all settle around Shiloh, like so many small bubbles surrounding a large one. I doubt very much the happiness of a

neighbourhood so constructed, even if it were reasonable to expect such a construction. I incline to think that distance gives you a juster value for each other, and that when you do meet, your happiness makes up in intenseness what it wants in frequency; so that upon the whole, the sum of your happiness is pretty much the same.

But, my ever honoured friend, any man with your practical judgment must have foreseen this result—that your children would marry, and that their own parental duties would force them to follow their fortune wherever she pointed the way. And how happy is your fate compared with that of hundreds, thousands and millions of other parents. No child has ever wounded the honour of your house. You have no reprobate son to mourn: no daughter's ruin to bring down your gray hairs with sorrow to the grave. How many are there who have! When I think of these agonizing, soul-rending calamities, I almost shudder at the idea of being a father. "Yet in Providence I trust."

I had heard of Ninian's wish for the governorship of the Illinois, from himself, and had written to Mr. Madison (whom I know very well,) my impressions of his (Ninian's) character. I know not whether the change of office is for better or worse; and am sorry to learn that you think it against reason and judgment. The office, I presume, will impose more labour upon him, and be more likely to embroil him in quarrels and trouble. But will not these be balanced by the power which he will have of providing for his children, and ushering them advantageously into life?

I am happy to hear that Cyrus has laid siege to the mathematics. He will, no doubt, soon be tired of it, and when he is so, he ought to turn to Rollin's account of his namesake's siege of Babylon, to see what patience, enterprise and heroism can achieve; and, though he may not see at present the benefit which is to result from his labours, he will feel it by-and-bye, when the arguments of his adversaries fall before him like the walls of Jericho at the sound of the horns.

By-the-bye, my wife is afraid that you took too gravely her little gayety in pencilling some of the lines of your letter touching the federalists. I told her that, *to my sorrow*, you were a federalist too; and that your observation could scarcely have been intended to cover the whole of a party to which you yourself belonged. The act was, as it related to herself, a mere sally of sportiveness; and in this light she begs you to consider it. I have some hopes that, in time, I shall have better luck with her than Paul had with Felix; that I shall altogether persuade her to be a good republican. This will be the effect, however, of living long together, and wearing down, by slow degrees, the little federal asperities which her parents gave her; that is to say, if my own political asperities, as being made of softer stuff, do not give way first. You know that in rencontres of this sort, men have not much to expect beyond the pleasure of being vanquished.

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Here is another long and vapid letter. No wonder this time, for I have written under the pressure of about ninety-six degrees of heat. My wife and children unite with me in love to you, Mrs. E. and our brothers and sisters. Heaven bless you, restore you to health, and preserve you to your family.

Yours,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, December 21, 1808.

MY DEAR FRIEND:

I have this moment your favour of the 18th inst., for which I thank you from the bottom of my heart. I love your letters. They are your very self. God bless you. You give me great pleasure.

Yes!—your brother Peter, the General and myself, had indeed planned a trip to Washington, this winter, which was to embrace you, and into which "*my brother the Governor*," Cabell, (as old S—— used to say of Patrick Henry,) entered with all his soul, as soon as mentioned; but you know we have Burns' authority for saying that "the wisest schemes of mice and men gang aft awry."

We were at the Springs, and looked at the subject at a very great distance,—too great a distance to discern the obstacles that might oppose our design. Now that we have come to the starting point, I find that the trip would break in, materially, on my professional engagements for the winter, and disable me from taking the field, in the spring, with the advantage I ought. This is no fictitious obstacle. Our courts are, at length, all up, and I have set in to do what, to my shame, I have never done before,—prepare, through the winter, for the combats of the succeeding year, leaving nothing for future preparation, but future business. Thus, our first court is the Chancery: I lay my docket before me, take up my first cause, and prepare the notes of my argument in that, before I quit it; so, to the next, and so on through that docket, and every other in which I am concerned. Thus I come out, in the spring, as Billy Pope says, like a *sarpent*. Is not this an object sufficiently important to justify the *declension* of the jaunt to Washington? Yet how I should enjoy it! I have no doubt of the truth of your opinion, that these men loom larger from their distance. We know those who cope with them, and who at least equal, if not surpass them; and even these are but men.

No, my dear friend; I know you are too manly and dignified to flatter any one, much less a friend; and I know few men, very few indeed, (if one,) whose judgments are so little liable to be warped from the truth, by prejudice and partiality. Yet, when you speak of its being of any peculiar importance to me to become known to

the great men of the nation, I am lost in the attempt to conjecture your meaning.

The course of politics is neither for my happiness nor fortune. I am poor. While I continue so, it is my first duty to think of my wife and children, unless my country were placed in an emergency, from which I, alone, could redeem her: a crisis, the possibility of which, it is not very easy to conceive.

My wife says that she should feel my safety no where more secure than in your hands; for, let me tell you (aside) that you are a rare, a very rare instance, in which there is a perfect coincidence in opinion, between her and myself, as to the taste and friendship of my associates. I have heard General M—— make a complaint against his wife, that *his* greatest favourites were seldom *her's*. I suspect the reason with both our wives, is pretty much the same,—to wit, that some of our greatest favourites are apt, occasionally, to tempt us into frolics. My wife has seen, that this is not the case with you; for you never cross the line of the temperate zone, and there is no mist of prejudice, therefore, between her judgment and your good qualities. At the good qualities of several of my other friends, she is obliged to look through the smoke of cigars, and the vapours of the grape; a medium so impenetrable to her, that I cannot account for her having ever conceived a partiality for me, except by the obscurity with which I was thus surrounded, and the force of her imagination. But, mark me, I am speaking only of past years. For, sir, I have made a large collection of old law reporters, with the plates of the authors in front, Coke, Grotius, Rolle, Vaughan, &c. I see, from the faces of these men, who lived so shortly after Shakspeare, (and, indeed, of old Coke and Dyer who lived with him,) that this great poet was painting from nature, in this, as well as in every other instance, when he imputed to these men of the law, "the eye severe, and beard of formal cut." It was, no doubt, owing to their recluse and austere life, and the intensity of their studies, that they contracted this severe look. I bar the beard; but, in other respects, if the same cause is to produce the same effect, look to see me with razor eyes cast a little to one side, in all the severity of thought, and muscles fixed as marble, when next you see me.

To be sure, I had two-and-twenty gentlemen, yesterday, eating venison, and drinking wine with me. But this, sir, was only a parenthesis; and, I am too well read in Blair, to admit many of them, because I think, with him, that nothing is more apt to darken a man's understanding, if not to extinguish it altogether.

I'll tell you what, sir, I begin to feel like somebody in this world. My son is beginning to read, and my daughter writes her name very smartly; and it gives me, I can tell you, no small consequence in my own eyes, to be the parent of two such children. I have a notion of making my daughter a classical scholar. What do you say to it?

She is quick, and has a genius. Her person will not be unpleasing, and her *mind may* be made a *beauty*. This course of education will, indeed, keep her out of the world until she is seventeen years old; but, I think, so much the better, — for I would not wish her to be married under twenty, which, if she is attractive, would be very apt to be the case, if she enters the world, as is usual, at fourteen. What do you say to all this? Commune with me, as a friend, upon this.

I should like our girls, four or five years hence, to be corresponding in French. Does not your heart spring at this idea? If not, you are no father to my mind.

My wife desires to be affectionately remembered to yours. So do I too, and both of us to you,—which is a rhyme unintended.

Greet your brothers kindly in my name, and all our friends.

Need I tell you what you so well know, that

I am, as ever,

Your friend,

WM. WIRT.

These letters indicate a settled determination, at least for the present, to avoid the engagements of public life. Wirt, in common with many grave and reflecting men of that time, often fell into a desponding tone of remark upon the future prospects of the country. The absolute ferocity of party politics at that day, alarmed them. Never since that period,—although our later experience upon this point is not without abundant examples of an extreme of harshness—never have political divisions been attended with so widely diffused and so bitter a spirit of personal rancour and denunciation. In the artful exhibitions of talented demagogues, perhaps, the present generation may be entitled to claim a greater skill and a more pervading influence, than that which preceded it; but at the time to which we refer, society was more distinctly marked and separated by party lines than it ever has been since. Considerate men regarded this temper in the people with anxiety and doubt as to its ultimate effect upon the institutions of the country, and they felt unhappy forebodings of a catastrophe which many believed not to be far distant. The public mind has since grown familiar with these tempests, and, finding how easily the ship rights itself after a heavy blow, has dismissed its apprehensions and learned to look with confidence and composure upon the supposed dangers which filled the hearts of the past generation with dismay.

In the following letter to Mr. Edwards, we shall find the utterance of some gloomy misgivings as to the fate of the Union, which may be said to express an opinion not confined to the writer. The first portion of this letter touches a question of education, and may be profitably perused by every youthful aspirant after professional success.

TO BENJAMIN EDWARDS.

RICHMOND, December 22, 1809.

MY DEAR FRIEND:

* * * * * * *

I think you are rather hard upon my brother Ninian, when you speak of the Quixotic schemes which he has carried to his territory. It strikes me that a fellow who has made his way through the presidency of a Court of Appeals, to the government of a Territory, deserves to have his solidity a little better thought of. I suspect that the Knight of La Mancha would never have achieved such adventures as those. I own that I cannot see what he will gain by the exchange, except (what I should suppose he has no need of) land: but he has displayed so much soundness of judgment that I do not doubt motives exist sufficient to justify his conduct. I am sorry that Cyrus is deprived of McAllister. I hear this man every where spoken of as a prodigy of learning and mental force; not very well qualified perhaps for the instruction of children, but highly so for the instruction of young men,—and Cyrus is now a young man. McAllister, I am told, is distinguished for the clearness and cogency of his style of reasoning. What a treasure would such a man be to a young man of genius and enterprise who was destined for the bar! This power of analysis, the power of simplifying a complex subject, and showing all its parts clearly and distinctly, is the *forte* of Chief Justice Marshall, and is the great *desideratum* of every man who aims at eminence in the law. Genius, fancy, and taste may fashion the drapery and put it on; but Reason alone is the grand sculptor, that can form the statue itself. Hence it is that I have been so anxious for Cyrus to cultivate the mathematics—not for the sake of being a mathematician, but to give to his mind the habit of close and conclusive reasoning. I hope he will still be placed in some situation where he may pursue this science. I would have him mathematician enough to be able to comprehend and repeat, with ease, by calculations of his own, Sir Isaac Newton's mathematical demonstrations of the principles of natural philosophy. Locke says, if you would have your son a reasoner, let him read Chillingworth: I say, if you would have him a reasoner let him read Locke. I think you will find that the mathematics and Locke will put a head in his tub; for, what you censure is not, I apprehend, any defect in the faculty of memory, but rather the inatten-

tion and volatility so natural to his time of life, for which there is no better cure than what I am recommending.

* * * * * *

As to my country's calling for *my* aid, you make me smile!—yet, if such an improbable thing should ever come to pass, you will find that your lectures on patriotism have not been lost upon me. Alas! poor country! what is to become of it? In the wisdom and virtue of the administration I have the most unbounded confidence. My apprehensions, therefore, have no reference to them, nor to any event very near at hand. And yet, can any man who looks upon the state of public virtue in this country, and then casts his eyes upon what is doing in Europe, believe that this confederated republic is to last for ever? Can he doubt that its probable dissolution is less than a century off? Think of Burr's conspiracy, within thirty-five years of the birth of the republic;—think of the characters implicated with him;—think of the state of political parties and of the presses in this country;—think of the execrable falsehoods, virulent abuse, villanous means by which they strive to carry their points. Will not the people get tired and heart-sick of this perpetual commotion and agitation, and long for a change, even for king Log, so that they may get rid of their demagogues, the storks, that destroy their peace and quiet? These are my fears. Heaven grant that they may prove groundless! It may be for the want of that political intrepidity which is essential to a statesman that these fears have found their way into my mind—yet I confess they do sometimes fill it with awe and dismay. I am sure that the body of the people is virtuous; and were they as enlightened as they are virtuous, I should think the republic insured against ruin from within. But they are not enlightened, and therefore are liable to imposition from the more knowing, crafty and vicious emissaries of faction;—and the very honesty of the people, by rendering them unsuspicious and credulous, promotes the cheat. They are told, for instance, that this administration is in French pay, or under French influence; and that this country, although nominally free, is, in effect, a dependant and a province of France. That the taxes which they pay to support their government, instead of being applied to these purposes, are remitted to their master in France, to enable him to complete the conquest of Europe, and hasten the time of his taking open possession here. The people who live amid the solitude and innocence of the country, who read or hear this tale well vamped up, and see general items pointed out, in the annual accounts of expenditure, which are declared to cover these traitorous remittances—what are they to think—especially when the tale is connected with a long train of circumstances, partly true and partly false, growing out of the actual embarrassments of the country? Would it be surprising, if, thus worked upon for four years, with the vile and infamous slander sanctioned by assertions on the floor of Congress,

they should precipitate Mr. Madison from the Presidential seat, and place one of his calumniators in the chair of state? And then, when "vice prevails and wicked men bear sway," "what ills may follow," Heaven only can foretell.

* * * * * *

Yours, forever and aye,

WM. WIRT.

CHAPTER XVIII.

1810.

RESUMES THE PURPOSE OF WRITING THE BIOGRAPHY OF PATRICK HENRY. — CONSULTS MR. JEFFERSON ON THIS SUBJECT. — LETTERS TO CARR. — NEW ENGLAND ORATORY. — THE SENTINEL. — LETTER TO B. EDWARDS. — DEATH OF COLONEL GAMBLE. — THE OLD BACHELOR. — LETTERS CONCERNING IT.

IN the lives of professional men, there is generally but little incident of that kind which is adapted to give interest to the narrative of the biographer. The pursuits of a student, whether in the field of professional science or of literature, present little for notice beyond the record of his acquirements and opinions. That engrossment of the mind, which constitutes the delight and profit of a life devoted to study, necessarily withdraws the student from an active participation in the affairs of his fellow-men; and, to the same extent, deprives his career of that various fortune, of which the lights and shades communicate so much interest to personal history.

We have seen, in the progress of Mr. Wirt, a steadfast devotion to his profession, marked by a regular and continued advancement to eminence,—eminence which, it is apparent throughout his career, he was fully persuaded was only to be won by unremitting study. All other pursuits were subordinate to the great object of his ambition, a well-merited renown in his profession. In his estimates of this renown, and of the means by which it was to be fairly earned, he was guided by the example of those distinguished men who, in the history

of the profession, both in ancient and modern times, had illustrated it by the highest accomplishments of general scholarship. The bar of the United States, by no means deficient in the highest order of ability, affords but few instances of that accurate and full scholastic training, without which no man can be said to be entitled to the reputation of an accomplished jurist. Looking to the leading members of the profession amongst us, we have too much cause to remark that, with some rare and brilliant exceptions, there is a lamentable want of conversancy with those subsidiary studies, which not only grace the reputation of an eminent lawyer, but are even indispensable to it. We discern, in men of the highest professional repute, a lack of scholarship, a deficiency in philosophical and historical study, and a neglect of literature and science, which contrast most unpleasantly with their acknowledged vigour and capacity of mind. This defect may be sometimes traced to the want of the means and opportunity, in early life, for elemental study. Some distinguished men of the American bar have won their way to fame against the impediments of a straitened fortune, and in the privation of all the customary aids of study. In respect to these, it may be said that their want of accomplishment bears honourable testimony to the labours of their progress, and rather signalizes what they have achieved, than subjects them to reproof for what they have left unattained. The great majority of the most prominent members of the profession, however, have not this excuse. They are men, for the most part, of liberal education, trained in the college, with all the means and appliances at hand for the highest and most various cultivation. That they have not availed themselves of these means, we may attribute, in a great degree, to the fact that the community at large do not appreciate these acquirements sufficiently to allow them much weight in the formation of the popular opinion of professional excellence; that the student is not stimulated to these additional labours by any public judgment of their worth, and that he need not, therefore, burden himself, in his preparation for his arduous race, with any additional weight of study. His dream is of popularity rather than of that fame which is to live beyond his own day. He covets the applause visibly bestowed in the listening forum, or more substantially manifested in the golden return, rather than that invisible, remote and

impartial renown which settles, late and long, upon the works and the memory of the ripe and polished scholar. Something is due also to other causes: amongst these, that rapid and precocious advance to large practice at the bar, of which we have so many examples. This early success, bringing with it profit and popular applause, is often the source of a double mischief; first, by satisfying the ambition of the aspirant; and, second, by persuading him that nothing is to be gained, in the enlargement of his studies, to compensate him for the time it must subtract from his business. We may find another reason in the extraordinary predominance of that talent for public speaking, which is so remarkably characteristic of our people. The admiration of the masses for this talent; the ready plaudit with which they are often but too ready to reward that specious, fluent, superficial, glittering eloquence, with which they are most familiar, seem to have engendered the opinion that even the depths of juridical science may be fathomed by this plummet of the gift of speech, and the highest honours of professional distinction be won by the wordy triumphs of the forum.

Wirt's aim was to build up his reputation upon a more solid base To this end, he read and thought much, in those departments of study, which not only liberalize the mind by broad and comprehensive views of human knowledge, but also supply it with the stores of illustration, analogy and comparison; and, in equal degree, strengthen its power of discrimination and logical deduction. To this end, also, he habituated himself to the use of his pen, and almost incorporated the practice of writing into a system of self-improvement, as a point of daily discipline.

In accordance with this plan of study, he had ever some literary project in hand, to which he gave a portion of his time. It was not, however, always that, in the pressure of his forensic engagements, he could gratify this purpose, without too large a sacrifice of immediate personal interest; but we remark in his letters, how much this literary scheme engrossed his thoughts, and beguiled the severer occupations of his profession.

The purpose of writing a biography of Patrick Henry, which, as we have heretofore remarked, had been contemplated, in connection with a work embracing a number of other distinguished men of Vir-

s now resumed. In reference to this design, Wirt wrote the
letter to Mr. Jefferson:

TO THOMAS JEFFERSON.

RICHMOND, January 18, 1810.

s

four years ago, you were so good as to state that if the Life
y was not destined to come out very speedily, you would en-
to recollect what might be of service to it; and that, having
course with him for more than twenty years, and witnessed
he bore in every great question, you would perhaps be able
some interesting anecdotes.
ot refer to your letter as constituting a promise, or giving
manner of claim on you. I do not regard it in that light;
merely reminded you of it as an apology for the renewal of
st. In truth, so great is the inconsistency of the statements
have received of his life and character, and so recent and
e prejudices of his friends and his adversaries, that I had
rought my mind to lay aside the project as one too ticklish
ul execution at the present time. But every day, and es-
very meeting of the Legislature, convince me that the times
little discipline, which cannot be rendered so interesting in
form, as if interwoven with the biography of a celebrated
d although I know very many much better qualified to give
pline than myself, I hear of no one who is disposed to do it.
this reason, only, that *I am* so disposed.
enry seems to me a good text for a discourse on rhetoric,
n and morals. The work might be made useful to young
are just coming forward into life: this is the highest point
pectation; nor do I deem the object a trifling one, since on
ung men the care and safety of the republic must soon

r the prejudices for and against him, I shall endeavour to
subject with so much candour, as not justly to give offence
ie. I think this may be avoided without a sacrifice of truth.
and consequently of the expediency of publishing at this
shall be better able to judge when the work is finished;
hope, it will be this summer, unless the ill health of my
hould again send me a travelling.
uld feel myself very much indebted to you, if, during the
hich I hope you are now enjoying, you could make it matter
ment to yourself (I would not wish it otherwise,) to throw
for my use, such incidents touching Mr. Henry as may
you.
r heard nor saw Mr. Henry, and am, therefore, anxious to

have a distinct view of the peculiarities of his character as a man, a politician, and an orator; and particularly of the grounds and points of his excellence in the latter aspect.

It would very much animate and enrich the biography to add to it a striking portrait of the characters of the eminent men with whom he acted. I am the more especially anxious for a portrait of Richard H. Lee, because I understand that he was the great rival of Mr. Henry in eloquence. I have heard the late Governor Page say that he was the superior.

Will this not be adding too much to the trouble which I am already seeking to give you? But I beg you to feel no difficulty in disposing of the whole request as it may suit your convenience.

If, instead of being an amusement, you think it would be troublesome to you, I should be much more sensibly obliged to you to decline it altogether than to encounter the trouble: since, with every wish for the peace and enjoyment of your future life,

I am, dear sir,

Your obedient servant,

WM. WIRT.

The expectation of completing this Life of Patrick Henry in the course of the year in which this letter was written was not fulfilled. The work referred to, was not given to the public until several years afterwards.

Wirt had projected a visit with Dabney Carr and some other friends, to Washington, during the session of Congress, "to see the lions" there, and amuse themselves by an intercourse with the magnates of the nation. He was, however, obliged to forego this frolic,—as it was meant to be,—and to remain at home, with an eye to his business, which was now rapidly increasing, very much to the benefit of his purse, though not in the same degree to the promotion of his comfort. In reference to this trip, he writes the following letter:

TO DABNEY CARR.

RICHMOND, January 19, 1810.

Yours of the 9th, my dear friend, reached me last night. It is undoubtedly an eloquent letter, for it put me exactly in the state of the twelve signs of the zodiac that surround the pedestal of the sleeping Venus, at Monticello; it was a smile and a tear, from beginning to end; which is better proof of the merit of the letter than if it fitted Aristotle's square in every part.

It is in vain to sigh about it; go I cannot. In ten days more, begins our Court of Chancery; and then I have no rest (not for a day,) till August. My scheme of winter's preparation has been a good deal unhinged by a spell of sickness, from which I am just recovering; but I shall not suffer the vacation to pass entirely without profit.

This, I suppose, will find you in Washington. I wish you may meet with all the enjoyment you anticipated. John Randolph has not gone on; and to hear him speak was the *primum mobile* of Peter's project and mine. I am very anxious to hear John Randolph · they tell me that he is an orator, and I am curious to hear one; for I never yet heard a man who answered the idea I have formed of an orator.

He has ever been ambitious, and I do not doubt that from the time he was seventeen years old, he has been training himself, most assiduously, for public speaking. He has formed himself, I fancy, on the model of Chatham; but the vigour of Chatham's mind, and that god-like fire which breathed from him, were not to be imitated.

By-the-bye, I think this business of imitation always a badge of inferiority of genius; most frequently an injudicious business, too — since the imitation has generally little other effect than to remind the hearer or reader of the superiority of the original.

* * * * * *

God bless you forever and ever,

WM. WIRT.

Our New England friends will smile at the account given of their oratory, in the following extract from another letter to Carr, written, I have reason to suppose,—for it is without date,—soon after the last, and whilst Carr was in Washington. I need not say, that the estimate here made of New England eloquence and character, was rather an echo of the absurd prejudices then current in the South, than any deliberate opinion of Wirt's own. We shall find hereafter, that no man was either more able or more willing to do full justice to the many virtues of our Northern brethren than he. In the mean time, this sketch of them may be noticed to show to what a different point of the compass the opinion of forty years ago turned, upon the topic of this letter, from what it does now.

TO DABNEY CARR.

* * * * * *

"I fear you will find but little amusement in the formal cant of the New Englanders. I never heard one of them; but I suspect that

Callender has, at least, coloured the picture of the national manner high enough when, in drawing Dexter he says, 'Mr. Dexter has a great deal of that kind of eloquence which struts around the heart without ever entering it.'

"The impression which I have received of them is, that they are trained, like the disputants in the old schools of logic, to be equally ready for every subject: that they *can* speak on any one with equal volubility;—but that there is no more variation of feeling, nor consequently of expression in them, than in the brazen mask which covered the face of the actor in Rome."

* * * * *

With all Wirt's disinclination to embarrass himself with the duties of public station, he was ever ready to enter the field of political contest in defence of his friends or the party to which he was attached. To both of these, he had, more than once, rendered most effective service, and this was acknowledged by the public in the popular approbation which he heard expressed from all quarters, and especially from the distinguished men in whose behalf he had laboured. He had, as we have seen, been one of the first to reprove that attempt to produce a schism in the republican party which, in the then recent presidential contest, had divided the friends of Mr. Madison and Mr. Monroe; and the letters of "One of the People," had a very extensive circulation through the State. The authorship of those letters, although not confessed to the world, was every where well known, and gave to the writer a conspicuous position in his party.

An occasion was presented, during this summer, to bring him once more before the public. Mr. Madison's administration was assailed with great asperity. Some of the protestors of 1808 were in open war against it, and political hate had lost none of its harshness, nor its industry in the tactics of assault. To breast this opposing force of querulous denunciation of Mr. Madison and his friends, Wirt published a few essays with the title of "The Sentinel." These papers were written in a different style from his former political compositions; were more free of that ambitious declamation which may be noticed in some portions of the letters of One of the People. His object in this change of style was to mislead the public as to the author; but the public, accustomed to the flavour of his pen, were not deceived by the assumed disguise, and he became as well known for these essays

as for the former. "I hope I shall be prudent some time or other," he says in a letter to Carr, "though I sometimes doubt whether my scribbling so much in the papers is an evidence of it. I suppose I am to subject myself to some personal reflections in the press for the portrait of Randolph. I should have no objection to being treated as candidly as he has been; but when they lay hold of me, they maul me in a different style. But as Bullock's countryman said, about being called 'Billy' before the Governor, 'I didn't care for *that* !'"

We have, in the letters of Wirt, occasional reflections upon his own career, which are particularly adapted to the instruction of the young. He seems to have been moved, at many periods of his life, to record in his letters the results of his experience in the difficulties he had encountered, with some conviction that he owed it to the rising generation to warn and guard them against the dangers which that experience had taught him were so greatly to be dreaded. These frequent passages in his letters, as well as the general scope and aim of his literary compositions, may be said to present him somewhat conspicuously in the character of *the Friend and Instructor of youth*, a title which I am happy to find, has been more than once recognized by the young men of the United States, in the formation of societies bearing his name, and whose pursuits are directed to the course prescribed by his inculcations. A few extracts from a letter to Mr. Edwards, at the period to which our narrative has arrived, will be read as an illustration of these remarks.

TO BENJAMIN EDWARDS.

RICHMOND, May 8, 1810.

MY DEAR AND REVERED FRIEND:

* * * * *

I have, indeed, great cause of gratitude to Heaven. I will not say that Providence has *led* me, but that, in spite of the reluctant and rebellious propensities of my nature, it has *dragged* me from obscurity and vice, to respectability and earthly happiness.

In reviewing the short course of my life, I can see where I made plunges from which it seems clearly to me that nothing less than a divine hand could ever have raised me; but I have been raised, and I trust that my feet are now upon a rock. Yet can I never cease to deplore the years of my youth, that I have murdered in idleness and folly. I can only fancy, with a sigh of unwilling regret, the figure which I might have made, had I devoted to study those hours which

I gave up to giddy dissipation, and which now cannot be recalled. I have read enough to show me, dimly and at a distance, the great outline of that scheme of literary conquest, which it was once in my power to fill up in detail. I have got to the foot of the mountain, and see the road which passes over its summit, and leads to the promised land; but it is too late in life for me. I must be content to lay my bones on the hither side, and point out the path to my son. Do not charge these sentiments either to a weak and spiritless despondency or to sluggish indolence. I know that a good deal may yet be done, and I mean, as far as I can, that it shall be done; yet, comparatively, it will be but a drop in the bucket. Seven-and-thirty is rather too late for a man to begin his education; more especially when he is hampered by the duties of a profession, and in this age of the world, when every science covers so much ground by itself. What a spur should this reflection be to young men! Yet there is scarcely one in ten thousand of them, who will understand or believe it, until, as in my case, it comes home to the heart, when it is too late. I now think that I know all the flaws and weak places of my mind. I know which of the muscles want tone and vigour, and which are braced beyond the point of health. I also think I know what course of *early* training would have brought them all to perform their proper functions in harmonious concert. But now the character of my mind is fixed; and as to any beneficial change, one might as well call upon a tailor, who has sat upon his shop-board until the calves of his legs are shrivelled, to carry the burthens of a porter; or upon a man whose hand is violently shaken with the palsy, to split hairs with a razor. Such as it is, it will probably remain, with a little accession, perhaps, of knowledge. You will do me injustice if you infer, from what I have said, that I am sighing with regret at those distant heights of political honours which lie beyond my reach. I do not know whether to consider it as a vice or virtue of my nature,—but so far am I from sighing for political honours, that I pant only for seclusion and tranquillity, in which I may enjoy the sweets of domestic and social love; raise my faculties, by assiduous cultivation, to their highest attainable point, and prepare for that state of future existence to which I know that I am hastening. Nor should I propose to myself, in such solitude, to forget what I owe to my country: on the contrary, I think I could be much more solidly useful, in that situation, than in one more public and active. So strongly are my hopes and wishes fixed on this life of sequestration and peace, that if you ever hear of my having entered on a political course, you may rely upon it that it is a painful and heart-rending sacrifice to a sense of public duty. I hope and trust that such an emergency is scarcely possible. I am sure that it is very improbable; because I believe there will always be those who are much better qualified for public offices, and certainly far more anxious for them than I am. At the same time, I think our country is, at

present, very badly supplied with materials for future legislation and government. I cast my eyes over the continent, in vain, in quest of successors to our present patriots. There seems to me a most miserable and alarming dearth of talents and acquirements among the young men of the U. S. I have sometimes sat down and endeavoured to fill the various offices in the government with characters drawn from those who are made known to us, either personally or by fame. But so far am I from finding among them a man fit for a president, that I cannot even find persons fit for the heads of departments. What has become of the talents of the country? Are they utterly extinct? Or do they merely slumber; and does it require another great convulsion, like our revolutionary war, to rouse their dormant energies? I myself think that it proceeds, in a very great degree, if not altogether, from defective education. Our teachers themselves either want learning, or they want the address necessary to excite into vigorous action the powers of the mind. Young men are everywhere turned loose, in the various professions, with minds half awake, and their surface merely a little disturbed with science. This is not the way great men have been made, either in Europe or America. As long as this system is pursued, we shall never have any thing but political quacks.

* * * * * * *

You will no doubt have seen, in the public papers, the loss we have suffered in the premature death of my wife's father, Col. Robert Gamble. In the full enjoyment of health and strength, of uncommon mental and corporeal vigour, in the active and prosperous pursuit of his business, his children all established, surrounded by his grandchildren and an extensive circle of sincere and fervent friends, and with the fairest prospects of earthly happiness opening around him on every hand, he was suddenly killed, on the morning of the 12th instant, by a fall from his horse. He was a faithful soldier of the revolution, a sincere and zealous Christian, one of the best of fathers, and honestest of men.

* * * * * * *

Yours,

WM. WIRT.

The last portion of this letter refers to an event which deprived the society of Richmond of one of its best members. Colonel Gamble had served with credit, during the revolutionary war, and engaging in commerce soon after its termination, had amassed, as we have heretofore had occasion to remark, a considerable fortune in Richmond, where he lived, honoured and beloved by all who knew him, illustrat-

ing the benevolence of his character, by many acts of kindness and charity to those around him.*

The succeeding letters will show that the occupations of the courts, to which some amusing reference is made, had not blunted the edge of the writer's literary appetite, nor entirely deprived him of the leisure necessary for its indulgence.

TO DABNEY CARR.

RICHMOND, September 9, 1810.

MY DEAR FRIEND:

I received, in regular course of mail, your favour of the 27th ultimo. Briggs' is really a hard case; and I will endeavour, although it will be irregular, to introduce the Court of Appeals to a more intimate knowledge of it than the records will furnish.

* * * * * *

My ink was rather too thick to write with pleasure, so I have thinned it, and mended my pen;—and now, sir, here 's at you!

Why, yes, sir, as you say, it is a pleasant thing to lead the life of a county court lawyer; but yet (as one of Congreve's wittol squires said, when his guardian bully suffered himself to be kicked, and called it pleasant) "it is a pleasure I would as soon be without." Yet I doubt not that your sum of happiness is as great, if not greater, than if you were a "general court lawyer," as the phrase used to be.

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* He was born in the neighbourhood of Staunton, where his father, an emigrant from Scotland, possessed a good landed estate. At the breaking out of the war, he entered the service as a subaltern officer, having just married a Miss Grattan, who had, at an early age, come with her parents from Ireland, being remotely connected with the family of the distinguished leader of the Irish Parliament of the same name. Col. Gamble served until the peace, and then established himself as a merchant in Staunton, whence he removed to Richmond. Here he lived in the enjoyment of an elegant hospitality, and in intimate association with that circle which was made up of Chief Justice Marshall and his contemporaries. He was in the habit of riding every morning to his counting-room, from his residence on Gamble's Hill, as it is yet called in Richmond. He thus met his death. April 12th, 1810, he was riding at a leisurely pace down one of the streets, near the river, reading a newspaper, and giving but little attention to his horse. It happened that some buffalo-skins were thrown from the upper story of a warehouse, as he was passing it; his horse took fright, started and threw him, which produced concussion of the brain, and terminated his life in a few hours. He was then in his fifty-sixth year. He left behind him two sons, who now are both living in Florida, gentlemen deservedly esteemed for their personal worth, and two daughters, with whose history the reader is already partially acquainted.

Those same *returns* that you speak of—My God! does not a man, at such times, live as much in a minute as, in ordinary times, he does in an hour or a day? These are the breezes of which poets and orators sing, and say that they shake the atmosphere of life, and keep it from stagnation and pestilence. I know that *your* life would be in no danger of stagnation or pestilence, even if you were to live forever at home: yet I imagine that there is no man, however happy in the circle of his family, who does not find himself made more conscious of that happiness, and his feelings of enjoyment quickened, by these occasional separations. This is the way in which I reconcile myself to them; since, although not a county court lawyer *at this present*, I am doomed to these separations as well as you.

As to the labour and fatigue which you undergo,—look at the health which you derive from it, and the consequent clearness of brain, and capacity for happiness. Besides, mark the majestic *obesity* which you exhibit, in spite of all your exercise; and consider "what a thing you would be, if you were bloated," as Falstaff says, by inactivity.

When I think of the mountain scenery, the fine air, *the society of nature*, in Albemarle, I am convinced that nothing less than my being doomed, by my nativity, to the life of a wandering Arab, would have rolled me through Richmond, to Williamsburg, to Norfolk, and back here again. Even now, I can scarcely persuade myself that I am stationary, and should not be at all surprised, ten or fifteen years hence, (if I live so long,) to find myself in some valley, among the mountains of Pennsylvania.

But, to return to the life of a county court lawyer.—("Sir," say you, "you ought not to wish to *return* to it."—I hate a pun: so, *Allons!*)—What I object to it for, is the very thing I ought most to covet, the corporeal labour to which it subjects one, (not meaning of a pun, of course—Curse these interlineations! how they puzzle one! —but the life of a county court lawyer;) for, as to the fatigue of the mind, I do suppose that we are much more oppressed than you are. Our courts, for example, have now begun, and we have no more intermission from labour, not even during the Sabbath, until about Christmas. The few last days of December, and the month of January, belong to us; and then, from the first of February to the first of July, we are slaves again. Even the intervals between these sessions, if we were wise, ought to be devoted to preparation for the ensuing campaign; so that it is literally by playing the truant, that we have a day of rest from our labours.

Now, sir, think of this, and remember that it is on me you would pack the labours of "the Sylph," because you are too busy.

I much fear the Sylph is doomed never to see the light. Professional labours thicken around me this fall, and it will require the most intense application on my part, to keep pace even with the progress of my little name. This prospect does not cheer me. I feel as if the

waves were closing over my head, and cutting me off from all that delights me. To be buried in law for eight or ten years, without the power of opening a book of taste for a single day! "O horrible! horrible! most horrible!" O for that wealth that would enable me to wander at large through the fields of general literature, as whim or feeling might direct, for days and weeks and months together, and thus to raise, enlighten, and refine my mind and heart, until I became a fit inhabitant for those brighter fields of light that lie above us!

Do you think that a fellow, after *wrangling and crangling* (as Daniel Call says) for twenty or thirty years on this earth, is fit to go to heaven? Don't you think he would be perpetually disturbing the inhabitants by putting cases of law, and that he would be miserable for the want of a dispute? If so, well may it be said, "Wo unto you, ye lawyers!"—The which "wo" I think it might be wise in us to interpret quadrupedantically, and cease from our wicked labours. But what can we do? "Ay!—there's the rub that makes calamity of so long life; that makes us rather bear the ills we have, than fly to others that we know not of." But more of this anon. For the present, with love to Mrs. C. and your children, not forgetting Frank, adieu. I am alone,—my wife is gone back to Cabell's,—but, nevertheless,

Your friend,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, December 17, 1810.

MY DEAR FRIEND:

A bill introduced by Blackburn to increase the number of Judges in the Court of Appeals has been made the order of this day.

This measure, I apprehend, is too important to be disposed of immediately; but I consider it as the harbinger of all the great measures of the session, and the signal for debate. I would recommend it to you, therefore, to be here in the course of this week, or at all events, by Sunday.

I am told that, in point of abilities, we have a better House now than we have had for several years. Those who make it so must, however, be all young men, except Colonel Monroe; and of the young men our system of education is too defective to expect much. How little does it resemble a Roman senate!

Can you conceive any pleasure superior to the enjoyment of hearing a debate, on a great public measure, conducted by such men as Cicero, Cato, Cæsar, and their compeers;—that pleasure which Sallust so often tasted, and of which he has left us such brilliant specimens? What stores of knowledge had those men; what funds of argument, illustration and ornament; what powers of persuasion, what force of reason, what striking and impressive action, what articulate and melo-

dious elocution!—yet each speaker marked with a character of his own, which distinguished him from all the world,—the sportive amenity of Cicero, the god-like dignity of Cato.

How interesting must it have been to listen to Julius Cæsar, and watch the sly operations of that ambition which he must have curbed with so much difficulty! I think it is Plutarch who tells us that Cicero said of Cæsar, "that when he saw him adjusting his locks with so much care, he could not help regarding him with some degree of contempt, as a fop and a trifler; but when he heard him speak, he trembled for his country!" or something to this effect.

But, without going back to Rome, how little does any House that we have had for some years past resemble the House in which Jefferson, Pendleton, Henry, Richard H. Lee, Wythe, Bland and others were members; or the Convention which ratified the Constitution; or the Assembly of '99–1800, in which Madison, Giles, John Taylor of Caroline, Brent, Swann, Tazewell and Taylor of Norfolk were members!

Yet, without any extraordinary prejudice in favour of antiquity, I apprehend that we have never yet, by any of our Houses, matched a Roman senate *as a whole*. The system of education at Rome seems to have been such a one as to turn out *every young man* accomplished, at all points, for the service of his country. And when a young man was emulous of any thing extraordinary, he visited and received the instructions of every foreign school distinguished for science or eloquence,—as we see in the example of Cicero,—and thus extracted and mingled the sweets of every exotic and indigenous flower.

When will our young men ever take these pains? For I persuade myself that nothing is necessary but a general exertion, "a heave together," aided by a judicious course of education, to make the people of this country equal to any in the world, ancient or modern.

In the few instances of eminent exertion which have occurred, a weight of mind has been attained which has rarely, if ever, been surpassed; that is to say, the exertion has produced the effect which was aimed at—knowledge, strength, discrimination; but this exertion has never been pointed with such success at the art of public debating, as to bring us near old Rome.

I see, in the last number of Rees' Cyclopædia, a remark extracted from Thilwall's Lectures on Elocution, which seems to me very just: he says that our inferiority to the ancient orators consists not in the substance of what we say, but in the manner of it—that is, in elocution, which includes every thing that relates to the delivery, more particularly the articulation and intonations of the voice, together with the time, as musicians call it.

To this purpose, what engines were the public schools of eloquence among the Romans, and still more, perhaps, the extemporaneous lectures of the travelling philosophers from Greece! What whetstones

to the emulation of young men, the splendid examples of rhetoric which those philosophers were every day exhibiting, and the raptures of applause with which they were heard! Compared with such incentives as these, how dull and low is every thing we see in this country! —a jig upon the banjo of an ash-covered negro, compared with an anthem on Handel's organ!

I am still of the opinion that an extemporaneous lecturer, well fitted for the office, might perform wonders for the young men of this country. What might not Ogilvie have done, if his enthusiasm had been backed by the genius and mellifluous eloquence of Plato!

It is true that experimental philosophy and revelation have taken away the themes of the Roman and Grecian philosophers, in a very great degree; but themes enough still remain in physics, ethics, politics, &c. Think of such a man as Parson Waddell, the master of a school of eloquence!

Here I am betrayed into an essay, when I only sat down to announce to you that I thought it was time for you to come hither. It is well enough, however, to keep down your expectations, and prevent such another disappointment as you experienced last winter at Washington.

Some years ago, Ritchie drew a character of Tazewell, in which he accounted for the deficiency of the State Legislature, by saying that all our talents had gone into Congress. What would he be able to tell an observer, now, who should travel with him from Richmond to Washington, so as to see both Houses? But enough of this.

We shall look for you about Friday, and thenceforward till we see you.

I expect Peachy also; and Billy Pope is to be in town at the same time. He is full of anticipation.

Remember us affectionately to Mrs. C.; and give my love to your brothers.

WM. WIRT.

TO DABNEY CARR.

RICHMOND, December 24, 1810.

MY DEAR FRIEND:

Your two favours of the 18th and 20th were brought me yesterday morning, while at breakfast. And although the intelligence that we were not to see you till the 10th January was a drawback, to which I am not yet reconciled, I read both your letters, but especially the last, with unusual pleasure.

* * * * * *

I shall immediately announce your day, both to Pope and Peachy.

The author of the essays on the United States Bank, is a very intimate friend of mine, and one who is very strongly disposed, and

anxious to be equally intimate with you. It is Richard E. Parker, the Judge's grandson, a captain of horse in our legion,—*infandum renovare dolorem!*—and a nephew of the Colonel Parker who fell at Charleston.

* * * * * *

He is a fine fellow, although there is nothing in him very striking to a stranger. As a member of the House, he was not popular. He spoke his mind, on all occasions, without reserve, and was constantly treading on somebody's corns. He wanted experience, to give him the allowable policy and insinuation of a popular speaker. But I think his pen promises to be a very fine one. He is studious, emulous, and is already, I think, a versatile and graceful writer.

* * * * * * *

He was with me the other evening, and I imparted to him our project of a series of moral and literary essays, with which he was delighted, and agreed to contribute, provided I would sit at the helm, to preserve the unity of course and character, and expunge, alter or reject, any thing he should send which did not meet my approbation; a circumstance which I mention as marking his modesty and discretion, and as giving you my pledge, (since you do not so well know him,) that your co-responsibility with me will not be increased by such an auxiliary.

I mentioned to him, that you and Frank would contribute, and he is very anxious to know you both. I will endeavour to have him in Richmond when you come down; for, at present, he has gone home to Westmoreland, enraptured with the scheme, and has promised that I shall soon hear from him.

Before he went, we agreed, for the reasons which I believe I suggested to you,—the too palpable fiction, want of community of character and interests, and *unmanageability*,—that the Sylph would not do. So I have hit upon another, the Old Bachelor, of which you will see two numbers, by the same mail which carries this.

I like the plan myself, much. It gives scope for all sorts of composition; and, I think, the adopted children of the Old Bachelor will enable us to interweave something of a dramatic interest with the work.

I shall assign the young doctor to Frank, and the young lawyer to Parker. You and I will manage the Old Bachelor and the Niece. How do you like it, and the beginning numbers?

I wish you to bring down the Sylph with you, and Frank's essay upon Doctor Rush's opinion about the inferiority of women, in the form of a letter, addressed to his Uncle the old Bachelor, the key-note of which he will see in the third number. It need not have the air of being intended for publication, but of being a letter written to his uncle in the ordinary course of correspondence.

Your story of Polemo and Xenocrates, affected me almost to tears; but they were tears of pleasure. You tell it exquisitely, and beat both Boyle and Valerius Maximus, the original reporter of the story, out of sight. I shall have it in the Old Bachelor. It will make a brilliant catastrophe to an essay on temperance.

I am now going to take a liberty which nothing but our old and fraternal friendship could justify. You have powers, of which you do not seem conscious; powers which require but a little exertion, on your part, to unfold them to the public eye, in the van of the distinguished men on the continent. If you would devote your hours of rest from your profession, to science and literature on a bold scale, and practise your pen in composition, you would soon burst from the shell of your district, and take the station for which nature designed you.

Neither Voltaire nor Marmontel ever told a story better than your Polemo. I mention *them*, because I think your pen bears a striking resemblance to their ease, volubility, and sprightliness.

O! how would it greet my soul, to lay hold of your arm, and travel with you up the steep, to that same Temple with the female trumpeter on its summit, with wings expanded and on the last tip-toe of flight, to speed her news.

You know me too well, to believe these remarks complimentary, or as fishing for compliments to myself. They are from my inmost soul, and proceed from an earnest desire to have you all that nature has formed you capable of being. I think you owe it, too, to the memory of the man whose name you bear; and who, if he had lived to the ordinary stage of life, would not have consented to expire in a corner, in obscurity, and leave no trace of that name on the rolls of Fame.

When I first knew you about fourteen or fifteen years ago, you felt as you ought to do on this subject. But I fear that Louisa and Fluvanna have almost extinguished the generous spark. Let us see if we cannot rekindle it in the Old Bachelor. I am, myself, determined, at least, to spare no exertion for the improvements of the mind, which I have too long wanted. It is late, indeed, to begin; but both Scaliger and Hobbes studied mathematics after forty. That is some consolation. O! for such a fortune as would give me all my time to spend as I please! But, since this is vain, let us do the best we can, and let us endeavour to stimulate our countrymen to surpass us.

The man who could rouse this nation from the indolence and lethargy of peace, and spur them on to put forth all their powers, would deserve a place in the bulletin of to-morrow.

Tell me that you do not take these personalities amiss, and tell me that you take me at my word.

* * * * * *

Our love to you all.

WM. WIRT.

CHAPTER XIX.

1811.

THE OLD BACHELOR.—CONTRIBUTORS TO IT.—CHARACTER OF THE WORK.—AMUSING CORRESPONDENCE BETWEEN WIRT AND CARR IN REFERENCE TO IT.—CARR'S PROMOTION TO THE BENCH.—THE POST OF ATTORNEY-GENERAL VACANT.—WIRT SPOKEN OF.—HIS THOUGHTS UPON IT.—LETTER TO HIS DAUGHTER.—EMPLOYED BY MR. JEFFERSON IN THE BATTURE CASE.—CORRESPONDENCE WITH MR. J. IN REFERENCE TO DUANE.—MR. MADISON AND MR. GALLATIN.

THE letters given in the last chapter, have reference to the publication of "The Old Bachelor." The essays, under this title, were commenced in November, 1810, and were continued during the greater part of the succeeding year. We have had frequent occasion to notice the strong inclination of Wirt's mind for literary enterprise. The hope of achieving something honourable to himself in this way, his letters show us, was the prevailing fancy of his meditations, and his pleasantest dream of the future. Exercise in literary composition, we have remarked also, was a prominent observance in his scheme of self-discipline and study. The Rainbow, which, the reader may remember, had employed his leisure a few years ago, was more recently succeeded by an enterprise of the same kind, — the publication of some essays, under the title of "The Sylph," of which but a few numbers had seen the light, before they were abandoned for the better-considered and more mature scheme of the Old Bachelor. The Old Bachelor reached thirty-three numbers. It is a series of didactic and ethical essays, put together somewhat after the model of the Spectator, and other works of that class, which once obtained such attractive popularity in English literature. It is not too much to say of these essays, that they may be compared, without disparagement, with the best of those of Addison and Steele. The Old Bachelor was originally published in the Enquirer. These papers were afterwards

collected in two volumes, in which shape they reached a third edition, and are now eminently deserving of republication, as a most instructive and agreeable production of American literature.

In this enterprise, Wirt was assisted by several gentlemen of Virginia, amongst whom he seems to have turned, with the surest expectation of valuable aid, to his friend and comrade, Carr.

In the dramatis personæ of the Old Bachelor, the chief part is borne by Dr. Cecil, which was sustained, exclusively, by the pen of Wirt, himself, and engrosses much the largest share of these volumes. A letter from Squaretoes, in the ninth number, I believe, is all that was contributed by Carr. Galen and Alfred were consigned to two young friends, Dr. Frank Carr, of Albemarle, and Richard E. Parker, a gentleman, who was subsequently a member of the Senate of the United States. Melmoth was furnished by Dr. Girardin, of Richmond, the author of a valuable history of Virginia. There were some other contributions supplied by Judge Tucker, David Watson, of Louisa, and Mr. George Tucker, who has, since that period, attained to high distinction, as a professor of moral philosophy in the University of Virginia, and as the author of the biography of Mr. Jefferson and other works of approved value, which have brought him to the acquaintance and esteem of a large number of readers throughout the Union. There may have been other contributors to the Old Bachelor, whose names have escaped me.

Without underrating the papers which have been supplied by the coadjutors in the enterprise, we may say of those from the pen of Wirt, that they give the principal attraction to the book. They are, undoubtedly, the best of all his literary compositions; and, in the perusal of them we are constantly led to repeat our regrets, that one so endowed with the most valuable and, at the same time, pleasant gifts of authorship, had not been favoured by fortune, with more leisure and opportunity for the cultivation and employment of a talent so auspicious to his own fame, and so well adapted to benefit his country.

We have remarked of Wirt that his life is peculiarly fraught with materials for the edification of youth. His career is full of wholesome teaching to the young votary who strives for the renown of an honourable ambition. Its difficulties and impediments, its tempta-

tions and trials, its triumphs over many obstacles, its rewards, both in the self-approving judgment of his own heart, and in the success won by patient labour and well-directed study; and the final consummation of his hopes, in an old age not less adorned by the applause of good men, than by the serene and cheerful temper inspired by a devout Christian faith;—all these present a type of human progress worthy of the imitation of the young and gifted, in which they may find the most powerful incentives towards the accomplishment of the noblest ends of a generous love of fame."

We may discern in every studied literary effort of his a strong inclination to address himself more to the rising generation than to that which is passing away. His letters are full of this purpose. His many visions of future ease and enjoyment all seem to derive their attraction from the contemplation of the good he might confer in directing the education and pursuits of ingenuous and talented youth. The Old Bachelor is emphatically the realization of some such hope, long vaguely entertained, but now furnished with the means and occasion for utterance. It is a precious book for the young American reader: it deals in topics to excite his national pride and emulation: it points out his road to duty and renown with a delicate and discriminating skill; and beguiles him to the cultivation of the severest virtues, with a charm so potent as almost to convert the rugged and laborious track of discipline into a "primrose path of dalliance."

These essays have a peculiar merit from being the rapid and simple effusions of the mind of the author, thrown off with unaffected negligence, and frequently even without revision. They seem to have been, often, the unstudied suggestions of moments snatched from professional duty, and to have been committed to the press whilst yet glowing with the first ardour of composition. Occasionally we have an essay of the highest finish, and full of the impassioned eloquence of the writer; but we recognize, in the greater part of these papers, the reflex of a mind delighted with its task as a pastime, and flinging abroad its thoughts, like the involuntary transpirations of a healthy body, without a consciousness of effort or labour. Wirt's style has often been reproved, by judicious critics, for its profusion of ornament and too gorgeous display of rhetorical costume. His imagination has

been charged with too often taking the reins from his judgment. The ardour of his temperament, we must admit, not unfrequently has infused into his writings a glow which might be reduced in tone without impairing the strength of his style,—indeed, even adding to its vigour, and imparting to it a more classic severity. But the reader of the Old Bachelor will find these essays less open to that objection than, perhaps, any other of Wirt's compositions. They seem to be all the better for the unstudied haste in which they have been written. The young writer is often told, by way of precept in his art, to erase from his manuscript whatever passage has struck him in the composition as being particularly fine: Always suspect yourself when you perpetrate what you think fine writing; good taste is apt to revolt at the effort to produce what is called effect. The essays of Dr. Cecil furnish but few occasions for the application of this precept.

In the correspondence which now follows, the reader will peruse, with no little pleasure, the letters between the two friends who have been so frequently introduced into these pages. Wirt and Carr are here in communion, chiefly upon the topics of the Old Bachelor, and the impressions these essays were making upon the public. The correspondence, also, touches another subject in which the friendship of one writer and the modesty of the other are most agreeably illustrated. Some vacancies were about to take place in the arrangement of the Judiciary of the State, and Wirt was affectionately solicitous that his worthy friend should accept of an appointment to the Bench, which was likely to be offered to him. The letters will show, in a most attractive point of view, the disinterested and anxious regard with which Wirt pressed the acceptance, and the amiable self-distrust and diffidence with which Carr received the appointment when it was finally conferred upon him. Without further comment upon these pleasant passages between two excellent men, I submit to my readers these letters, partially abridged,—asking those who peruse them to keep in mind that they belong to a private, confidential correspondence, held at a time when the writers exulted in all the hopes of the prime of manhood, and spoke to each other in the playful temper of friends who had no secrets in their companionship, nor motive to suppress the expression of any, the wildest, freak of the glad and jovial spirit which presided over their intimacy.

We take up this correspondence with an extract of a letter from Carr, which contains an amusing account of a visit he had just made to Dunlora, the seat, as the reader is aware, of his brother, Colonel Samuel Carr, in the neighbourhood of Charlottesville, where the Old Bachelor had been the topic of conversation. The work had, at this time, reached the twelfth or thirteenth number, and the author was still unknown, beyond a current suspicion. Carr had just returned from Richmond, where he had been Wirt's guest, and was, therefore, supposed to know all about the book. He had himself also written Squaretoes, in the ninth number, which the company at Dunlora had all read.

"I met there," he says in this letter, "Peter Minor and his wife, Dabney Minor and my brother Peter, who all made affectionate inquiries after you. Very soon, the conversation turned on the Old Bachelor. They seemed to think I must know all about it. I observed, gravely, if you were the author, you kept it very close, for you denied it to your best friends. 'As to that,' said Old Straws,* 'I feel as certain that he wrote the papers, as if I had seen him at it.' I remarked, that if you did indeed write them, you must have taken very little time about it, for that I was with you almost the whole time, and saw nothing of it. Peter Minor solved this doubt by saying, that he suspected the pieces were all written, for many numbers ahead, before any were published. Here my brother Peter put in again:—'As to Love-truth, he could not pretend to say; but Squaretoes, he was certain, was not by the Old Bachelor: he could see the pen of George Tucker in every line of it: the phrases were all his, particularly, 'I scorn your words.' As another proof that it was not by the Old Bachelor, he said, 'There was a warmth, and even a harshness, in the Bachelor's reply, in the next number, beyond what the occasion called for,—especially in his remarks on the Squaretoes library. For,' he maintained, 'there was not even a shadow of disrespect shown to the Bible by Obadiah: he was only enumerating the family books; and, amongst these, he gave the Bible the first place, and Mrs. Glass the last.' All this was nuts to me. By-the-bye, my wife is convinced as to the author of Squaretoes. You remember, I told you I suspected

* A jocular designation, it seems, of Peter Carr

the bed of justice, held by Squaretoes and his dame, would be apt t betray me. It was even so. This, together with my abuse of ridi cules, which she has often heard from me before, satisfied her. Fran also had his suspicions; but my brother Peter overruled him, with voice of authority."

TO DABNEY CARR.

RICHMOND, February 10, 1811.

MY DEAR FRIEND:

Although rather tardy, I take the first twenty minutes I could ca my own, since the arrival of your letters, to acknowledge the favour.

I enjoyed very highly the scene at Dunlora. The sage guesses o the two Peters, and the twisting of your mouth, and working of you eyebrows, which I discerned as distinctly as if I had been gifted wit the old Domine's deuteroscopy.

* * * * * *

The Old Bachelor, you perceive, begins to show the effect of ag He moves slowly, and halts most horribly. The truth is, that th Court of Chancery has begun, and the old fellow cannot be expecte at his time of life, to carry double. Nothing from Parker yet. Is n Frank ashamed of himself?

The vacation of ——— induced me to take an unauthorized liber with a friend of mine, so far as to talk with some of the heads of th Lower House; but they were all preoccupied, or seemed "to sme the business with a sense as cold as is a dead man's nose;" and as did not choose to commit that same friend on an uncertainty, I sai no more. But it is inconceivable what an alarm the mere suggestio of such a rival produced among the candidates. Upon the whole, 't i all well.

* * * * * *

We are well. Cabell, his wife and Co., are here. Would yo were with us!

I am in a storm of children. Our love to you and yours.

Dinner is just ready

WM. WIRT.

Carr had written another paper for the Old Bachelor,—a letter fro Grace Squaretoes. He had no recognition of it from his friend, an had not yet received the short letter of the 10th, which we have ju read.

FROM CARR TO WIRT.

CHARLOTTESVILLE, February 11, 1811.

MY CARR ERAS:

I take it, you are a man of your word,—a most rare example of a punctual correspondent. When we parted, your last injunction, enforced by a cordial shake of the hand, was, "write often."

* * * * * *

Nearly four weeks gone by, and not one line from you! No, not a word! Reflecting on this matter, I have supposed it possible that your silence has been caused by that same letter of Grace's. It was a hasty indiscretion, overlooked but once, and instantly closed and sent off. I have no doubt it is a poor thing. Now, I have thought it possible that, not finding it to your purpose, you have felt reluctant to tell me so, and seeing that you could not well write without saying something about it, you have been silent. If this should be the case, as I do not, in fact, believe, it would really mortify me,—not that the piece was rejected, but that you should have any difficulty in telling me so. * * * Could you think so poorly of me as to suppose, for a moment, I could not bear the rejection of a bagatelle of mine?

* * * * * *

I have ventured to let Old Straws into the secret. I thought it best; for, not being trusted, he felt no restraint and asserted as confidently that you were the author, as if he had had the most positive information. I was in hopes, too, he would contribute; and he has, indeed, promised me that he would try his hand.

* * * * * * *

Frank is still recreant, but he promises still. * *

TO DABNEY CARR.

RICHMOND, February 15, 1811.

MY DEAR DABNEY:

I have received your rebuke of the 11th inst., and would plead guilty to it if I had not written you, at least, one short letter, last Monday, and had not been so constantly occupied by the Court of Chancery and by company, as to leave me no time for any thing else.

Of the constancy as well as the importunity of these engagements, you will be able to form a proper estimate, when you discover that I have not been able, this week, to take even a short airing on my hobby, the Old Bachelor.

I acknowledge your goodness in having given me three excellent letters since your departure. Of that which describes the Dunkers

scene, I have already written. It was a good one. I entirely approve of your communication, since, to our brother Peter. Indeed secrecy, though I feel its importance now more than ever, seems to be impossible. Joe Cabell, to whom Read imparted it through mistake, told me, when I enjoined secrecy upon him, that I resembled the ostrich, hiding his head while his whole body was exposed to the world.

* * * * * *

Miss Grace is, I think, a lass of grace. But I will take the liberty of telling you, that I have seen you in moments of happier inspiration, when you could have made more of the damsel than you have done. When I wrote you on Sunday, I had determined to give her to the world, without touching one thread of her dress; but I think now, I will make free enough to alter a little the set of her cap and fixture of her tucker. No, sir, I have no more fear of offending or wounding you, by changing or rejecting one of your essays, than if it were one of my own; and, as I have taken both these liberties with several of mine, so will I take them with yours, as often as there shall, in my opinion, be occasion.

I beg you to continue the use of your stimulants to our brother Peter. He is a fellow of such various and ample reading, and of such just and copious thought and splendid diction, that I should think it impossible for any thing to fall from his pen, but what would do credit to the Old Bachelor. I should think he would shine in the department of criticism and of fancy. Cannot he give us an *oriental* or *occidental* tale, or an allegory, or any thing of that, or any other sort? The epistolary style would, perhaps, put him more at his ease; and, it would cost him very little effort, I should think, to address a letter to Doctor C——.

What you tell me of the increasing fame of the Old Bachelor, is calculated, in some degree, to dispel the lassitude that is beginning to creep upon me in relation to the old fellow.

I very frankly confess to you, (though I would not do it to every body,) that I am tired of the project, even before I have reached the principal subject, education. But, besides this, our courts are now made perpetual, and the Old Bachelor is rather in the way of my business. I do not mean, by this, that I have resolved to drop him altogether; but, that he will see the light much more rarely than heretofore.

I am only able to attend to him of nights; and these, besides the calls of the law, are very much at the mercy of visitors. To this latter cause it is, in a great degree, owing that there is no number this week.

Frank is a dastardly fellow. I had thought him a Corinthian — a lad of metal,—but I now discover that he is——no better than he should be. Parker has not given me a single line.

I have no more time to write now; and all this being about the Old Bachelor, does not look much as if I was tired of it.

Our love to you, and Mrs. C., and children.

WM. WIRT.

FROM CARR TO WIRT.

CHARLOTTESVILLE, February 18, 1811.

MY DEAR FRIEND:

* * * * * *

With respect to that *rebuke* of mine, as you call it, you know I only meant to show you that I was very anxious to hear from you; and, whenever I give you cause, or you take it into your head that I do, you shall abuse me in turn, and I will say, 'you are welcome, brother Shandy, if it were fifty times as much.'

Poor Grace! I certainly used her scurvily. My excuse is, that she was done up in too great a hurry. Alter not only her cap and tucker, but—asking her pardon—you may strip her altogether, if you like, and dress her to your mind. I fear, however, that the story my old master, Maury, used to tell his pupils a hundred times, of Pope and the link-boy, will be applicable to her. You knew the old gentleman. He doated on a good story. It was our practice to write a Latin exercise on a slate, and take it to him of a morning If there was any false Latin, he marked it with a pencil, and we had to mend it. When it was very bad, he sometimes rubbed out the whole. Then came the old story: 'Did you ever hear the story of Pope and the link-boy?'

'No, sir.'

'I'll tell it to you. Pope, the poet, was a homely little fellow, somewhat deformed. When any thing surprised him, or happened suddenly, he had a way of crying out, 'God mend me!' One night, as he was walking the street, he called a link-boy—a shabby-looking dog—to light him on his way. Presently he stumbled, and falling, cried out, 'God mend me!' 'Lord, sir!'—says the boy—'mend you? He'd better undertake to make two new ones.'

The good old man was so pleased with the wit of the story, that the boys generally got off without further scolding.

* * * * * * *

Frank is, as you say, a terrible rascal. I tell him so, and abuse him shockingly. He is about it, and about it; but when he will be done, nobody knows.

TO DABNEY CARR.

RICHMOND, February 27, 1811.

MY DEAR FRIEND:

I snatch a morning before breakfast to thank you for your favour of the 18th.

* * * * * * *

You must excuse the tardiness of Miss Grace's appearance. I am reserving her till I have leisure to play the dressing-maid to her. But do not be alarmed for her native graces,—I shall do very little, and that little will not affect the simplicity of her appearance. I shall bring her out on a holiday, and make "the town-bred fair" blush at her superiority.

I have several correspondents on my hands, (I mean in my character of the Old Bachelor,) who embarrass me not a little. One of them, *entre nous*, is ———. But I am obliged to strangle his offspring in the birth, as monstrous: and monstrous you will think them, when you learn that they are to be rejected, while ——— is to be chosen. By-the-bye, we were too hasty in giving that promise; for I shall have so much ado to mend him, that I am, in relation to him, exactly within the rule of Pope's link-boy.

Yes, poor old Parson ———. I well know how he could tell the same story with unabated pleasure. *D'ye mind*—as the Scotch-Irish say, over the Ridge—the way he had of reciting Horace's Odes; asking you, in a conversational voice, rather *piano* and *in alto*, if you remembered that beautiful ode beginning, "Stet alta nive candidum Soracte," and, at the reciting part, dropping abruptly into the pulpit dirge? Well, he was a good old fellow, and I remember him with even more esteem and affection than I was conscious of feeling for him when living.

* * * * * *

I have another piece from G., rather better than the former. I have several, too, from G. T., two of which you will see in number fifteen—the letters from Vamper and Schryphel. All the rest of the number is Cecil's. To take the point of the concluding paragraph of O'Flannagan's letter, you must read the close of Blackburn's advertisement in the last Enquirer. He is the mathematical professor at William and Mary College; a capital mathematician, but one of the most imprudent of Irishmen,—which is saying a *bould word*.

* * * * * *

I have received, from various quarters, the most encouraging evidences of the success of the Old Bachelor. Doctor Hare, (who, I hope, as he and all his old friends do, has been brought back to life and his old constitution, by his late salivation,—having every evidence of health except flesh and strength, which he is fast recovering,—and

who desires to be most affectionately remembered to you,) Dr. Hare, *I say*, (Blair!) writes me that L. C. is enraptured with the Old Bachelor. They concur in thinking it will be of great service. Tucker writes that it is doing good to the country, and honour to its author. Judge Nelson calls it a most noble and honourable enterprise. * * * These things, and many more which I hear, (such as that the subscribers to the Enquirer have very much increased, in consequence of it,) not only encourage me to go on, but enforce your sentiment that it is a duty; and on I shall go, as fast and as well as I can, for my professional engagements. In the meantime, you, who live in the country, must watch and tell me when my readers are getting tired, and when they censure either the matter or the manner.

* * * * * *

Frank is a scurvy rascal; and if he does not make haste, I will impale him in the face of that public to whom I have extolled him. After seeing what light things we occasionally publish, why should the rascal be holding *his* head so high? *His head*, did I say? "He has a head, and so has a pin." Let him take that, and put it in his pocket.

What from Don Pedro?

* * * * * *

I am—why need I tell you what?

WM. WIRT.

TO DABNEY CARR.

RICHMOND, March 8, 1811

MY DEAR FRIEND:

Our friend Kinney has long since informed you, in detail, *wherefore* (as our Chancellor says) we acted as we did in relation to you last winter: i. e., why we did not act at all. The judicial vacancy on which we had our eye, not having been created, there was an end of that project. Another has now occurred. James Pleasants has resigned the office of Judge of the Court of Appeals, and Tucker (this is, for the present, a profound secret which everybody knows) will resign in the course of the month. This creates two vacancies in the Court of Appeals.—Don't be alarmed;—it is not *that* court I am thinking of for you now.—But those two vacancies, *so as aforesaid created and to be created*, must be filled, and, it is pretty well ascertained, will be filled by Stuart and Cabell. To Stuart's circuit, I suppose Coalter will fall heir; and I presume you would not have Coalter's: but what say you to Cabell's? He says it is a most delightful circuit. It includes Powhatan,—in the which county, in the vicinity of Pleasants and Pope, you might easily locate yourself upon a little farm, and live in primeval innocence and happiness.

I know it is a heart-string-snapping sort of business, to quit Charlottesville and its purlieus. Would it then be possible for you so to

arrange with Coalter as to keep the Charlottesville district? These things you must think of, and arrange as you can.

* * * * * *

There is no division of opinion among your friends here, that you ought to accept, if it shall be tendered, an appointment by the Council; because, examining the subject with all possible calmness, we have no doubt of your confirmation by the Legislature; and of your appointment by the Council I have very little fear. There is Hare—(who is almost well, and who will be here by the time the appointment is made;)—well, there is Hare, Read, Wardlow, Randolph, Doctor Jones, who, I think, will certainly vote for you. Then you have an equal chance for the rest, who are Colonel Smith, (Geo. W.) Mims and Mallory: thus you see your chances. Will you come in, or will you not? *You see*, if you are elected, that is, appointed by the Council, there will be no occasion for your removal, or making any other arrangements, until we see whether you shall be confirmed by the Assembly; and if you should not, I suppose it will neither break your leg nor pick your purse materially. But should you be confirmed,—of which, I repeat it, there is no reasonable ground to doubt,—why, then, sir, you are *an honourable* for life; in a fair way to the highest honours of your profession; and, in fact, advanced to within a few jumps of the goal.

I pray you, weigh this matter, and be prepared to decide it, if you shall be called upon. I suppose we shall know the whole result before this month is out, or very early in the next.

I am in a great hurry; and so, with our love to Mrs. Carr, yourself and children,

I am, as ever,

Your friend,

WM. WIRT.

TO DABNEY CARR.

March 10, 1811.

* * * * * *

By-the-bye, let me boast a little: yet I am more ashamed of showing vanity before you than any other man in the world. I persuade myself, however, that the pleasure which a man feels at the approbation of the great and good is laudable, and scarcely deserves so degrading a name as vanity. If this point is settled in my favour, then I will tell you that R., who is just from Washington, says that the Old Bachelor has great éclat at head-quarters; that Mr. Madison had said, sir, (so I desire that you will pay proper respect to me, hereafter,) that he thought Mr. W.'s pen, at least, ought to redeem us from the censures of the Edinburgh Reviewers; that there was a chastity, an elegance, and a something else, which R. could not remember, in his

style, which charmed him. Now, sir, if R. did not invent this, *quod non constat*, it is a compliment. What makes me most dubious of it is, that, if there be any thing bearable in my style, the points of compliment which R. imputes to Mr. M. are not exactly those I should have expected. Chastity is the character of Mr. M.'s own style; as to mine, I have thought it about as chaste as Cleopatra in her attire. But enough, and too much, of me and my brats.

I conversed with Nicholas, yesterday, *de loco vacuo judicis*. He thinks it as plain as a pike-staff in our favour.

I have very little doubt of it, and advise you to hold yourself ready, *sub rosa*, to take a circuit on the first of April; for it will be, perhaps, a sudden thing.

About a place of residence, in case of your appointment,—you will see, by the range of Cabell's circuit, that it offers a variety, for it takes in Amelia, the neighbourhood of Giles, Eppes, and the Tabbs, besides Powhatan and Manchester.

In the latter place and its neighbourhood, there are a variety of beautiful tenements, and lots of from twelve to twenty acres, where you might raise a profusion of clover for your horses and cows; enjoy the fine prospect of Richmond, its Capitol, and picturesque hills and valleys, together with the whole *ambit* of James River, its falls and port; besides the power of our being with each other as long and as often as we please. What say you to this? And when old H—— dies—think of that, Master Brooke!—Q—E—D,—as Warden told the Court of Appeals. Now, d'ye see, *Judge Carr*, I think this a most capital plan. *By my conscience, as the Bishop says*, (for I love to quote my authority always,) I think *Judge Carr* has a most original, and, as it were, melodious sort of a sound.

To think what we are all to come to! Well, happy man be his dole, say I!—And that, of all the Carrs, the honour should light upon my old Louisa and Fluvanna comrade, with his grumbling and blue devils! Well, it is a long lane that has no turn, and an ill wind that blows nobody luck,—also, throw a crust of bread, &c.,—together with forty other proverbs that Sancho would pour forth on a like occasion.

If W. H. Cabell is elected, he will immediately come here to live. I think his brother Joe will come here too; and if you come to Manchester,—only think, with the aid of Davy, and Clarke *and I*, and occasional visits from our upland friends, what a society we may form! Shall we not find the foot-hold that Archimedes wished for in vain, and turn the world upside-down,—I mean the moral and literary world? I scarce think we could turn up a worse side; it is the deuce of clubs, or at least, *the curse of Scotland*. My spirits are in such a jig at this prospect, that I can scarcely hold my pen to write intelligibly; and at such a time, and on such an occasion, I scorn to write anything but nonsense.

For fear, however, of false inferences, you will please to be informed

that it is the forenoon, and I am just from church. So, sir, I scorn your suspicions.

Cabell went up home this morning. I wrote to Hare, and gave him your postscript, *verbatim et literatim*. You know it is about binding him, hand and foot, and deporting him, if he will not keep away from Richmond. Whereupon, I observed, that I believed you never would forgive him if he should even go so far as to come down only for a day or two to vote for you. I gave him to understand, indeed, that your appointment would probably depend upon it, but that he was not to mind that.

Now, are you not ashamed of that selfish twinge which leads you to wish that Hare would, at least, trust himself here until he could give his vote?—So you would endanger his health rather than not get the office!—O fie, fie, sir! However, believing that such would be your wish, to tell you the truth, I observed to him that I thought you would not be implacable for a short trip on this occasion; and he will certainly come, dead or alive.

Love to all.

Again yours,

WM. WIRT.

CARR TO WIRT.

CHARLOTTESVILLE, March 14, 1811.

MY DEAR FRIEND:

I dined at Monticello yesterday, and did not return home until a little after night. My children were put to bed; my wife and I sitting quietly by our happy fireside—I reading to her Lady Montague's letters—when suddenly it occurred to me that it was post day. I sent a servant immediately for my letters, who, returning, brought me yours of the 8th and 10th.

It would have diverted you, not a little, to see the flurry and flutter into which this threw us. It was the first time that the idea of elevation to the Bench, was brought distinctly before me. I had viewed it before as a distant possibility. Your letter made it, at least, probable that it would be offered to me, and that very soon. I cannot tell you what a feeling this produced;—a feeling which seems to increase as I think of it—something like a timid young girl on the eve of marriage. How will it be with me? Mounted on the bench, the officers of justice planted around, court opened, the bar lined with attorneys, every one thronging in to see the new judge, the grand jury sworn, proclamation made that his Honour is about to charge them—then the stormy wave of the multitude hushed into silence, and every eye bent upon me. What a tremour the idea gives me! Yet I will on.

* * * * * * *

TO DABNEY CARR.

RICHMOND, March 23, 1811.

MY DEAR FRIEND:

Cabell is elected to the Court of Appeals, and your election is infallible. Out of six members who are here, it is ascertained that there are four who are for you. Hare, Read, Randolph and Wardlow:—how the remaining members are is unknown; but there is no probability of their concurring against you—and, if they do, your friends are resolved to hold the Council divided rather than give way. The point, it is supposed, will be decided on Tuesday next, and I regard you as elected.

Now, sir, I hope you will sit down, immediately on the receipt of this, and write your address to the grand jury.

Take care of your modesty; that is, beware lest it impair the energy and dignity of the judge. Don't go and be overwhelmed and panic-struck, as I was, so as to make people think "poor fellow, I dare say he wishes he was at home again."

You know that I am not such a simpleton as to find fault with that degree of modesty which unlocks the hearts of men, women and children, to a man. But I know that you do think, and ever have, for these fifteen years, at least, thought of yourself with too much humility. Now, although "in peace there's nothing so becomes a man, as modest stillness and humility, yet when the blast of *court* blows in our ears," and sheriff's *o-yes* bids the jury rise, "then stiffen the sinews, bend the muscles up, and imitate the action of"—Lord Mansfield.

These two appointments put a poultice on the bruises of the Legion and Clarke. "O, that right should thus overcome might,"—as the old woman says in the play, when she is meaning to complain of the oppression of power.

Sir, you are to make a great man. The organization of your mind qualifies you to scale the heights of Mansfield and Hardwicke; and your temper and manners will strew flowers on the path of your ascent.

You must read every book that Mansfield ever read; they are all to be had, and your leisure will now enable you to do it. Sir, you shall "bestride the lazy-pacing cloud, and sail upon the bosom of the air," and mark "the white up-turned eyes of *us* mortals that fall back to gaze on"—you.

I tell you again, that you can, and must, and shall stand upon the very summit, the pinnacle, the *apex* of judicial glory. I know it—I see it—and who shall say me nay?

Your circuit will bring you close to us. Chesterfield is only sixteen miles from us; Powhatan but thirty. You must come and see

us between terms; this, you know, is your home—but need I tell you this?

I will endeavour to get from Cabell, a statement of the difficult questions which he has suspended by an *advisari vult*, together with his authorities, notes, &c., and meet you, with them, somewhere upon your circuit.

Hare and myself count on your making such an impression throughout your circuit this spring and fall, that "*mis* nor *divils*" cannot "*stap ye*" from being confirmed next winter.

It will be an awkward thing for you not to know the bar, and as awkward for you (a judge) to carry letters of introduction to the lawyers. I believe the best plan will be for Cabell to send a letter of introduction to some one prominent member of each bar, introducing him to you, and begging him to introduce his brethren to you, and the respectable country gentlemen around the court-houses. This will answer the purpose without letting you down.

* * * * * * *

My watch informs me that the mail has closed. I will, therefore, take my leisure, and write a little more legibly, since I have to depend on Frank to get this in as a way-letter. But I cannot write a very long letter, because I have to finish the nineteenth number of the Old Bachelor to-night.

I think your remark on ——'s letters is correct; the irony is too delicate,—it is cold. Yet, the pieces have played the deuce with the Old Bachelor here—they are said to be personal attacks; and, with the co-operation of my own seventeenth number, have subjected me to a good deal of ill-natured remark, as if I were lampooning the town. If such a notion as this were once to get on foot, all the benefits intended by the publication would be at an end. And, therefore, I sat down, immediately, and wrote the eighteenth number, to prevent any such pernicious effects. I believe it has answered the purpose. But I am very much trammelled by this impertinence in applying characters. It is much the liveliest and most impressive way of moralizing; yet I never draw a character without displeasing somebody or other If it is wrong to draw characters, you are partly in fault, for you said to me, not long before you left me, "you must begin, presently, to draw characters." Why should not I? What right have the rascals to find fault with me, if a vicious character fits them? As to lampooning or throwing stones for pure mischief and wantonness, I would sooner cut off my right hand. But if it is necessary to the purposes of virtue, if it is the most interesting mode that I can adopt to expose a vice, and render it ridiculous or hateful, why should I not do it?

* * * * * * *

You see, Ritchie is going to make a book of the old fellow. I don't much like this way of becoming an author, or rather of being

made one without having the fear of it, all along, before my eyes. Now, most certainly, if I had intended to sit down and write a book, and become a downright author, I should have chosen a subject better calculated to put me up in the ranks; one calculated to exhibit the whole of the little compass and strength of my mind. If I had realized the idea that my good name, fame and reputation were at stake, I would have taken care to write to the best advantage—in rural privacy, for instance, and only in the happiest moments of inspiration, after having, by previous meditation, exhausted upon it all my retail shop of thought. Instead of this, I have been dribbling on, with a loose pen, carelessly and without any labour of thinking, amidst incessant interruptions—and with the printer's devil at my elbow, every half-hour, jogging me for more copy.

It is true, the probability of the numbers being collected into a volume, was several times mentioned to me, and several times passed slightly through my mind. But somehow I have not dwelt upon it; the idea has not been realized; and it seems impossible that any man writing newspaper essays, as I am doing, can have the feelings or care of a man who sits down with *malice prepense* to write a book. But enough on this tack; you will think all this affectation:—but if you do, as Tom Bowling says, in Roderick Random, "you will think a d——d lie."

Why does not our trusty and well-beloved Peter sow some of the seeds of immortality in the Old Bachelor? If he does not, the old fellow will be under the turf in less than ten years.

Is not Frank a rascal? Does n't he know that he is a rascal? Has he the face to deny that he is a rascal? The fellow's face, to be sure, is ugly and hard enough for any thing: but if he were to deny that he is a rascal, he would be no true man. I shall take care to put a key to the first volume of the Old Bachelor, to let the world know who is meant by Galen, and shall publish the letters that I have received from him on this subject, in an appendix, that the world may know what sort of fellow he is, and that I did not make the promise I have given, without authority.

I told you I should not write a long letter, and you see I am better than my word. But it is past nine o'clock, and I have yet to finish the nineteenth number. Grace will be out on Tuesday week.

Our love to your household. Hare is still well.

Adieu,

WM. WIRT.

CARR TO WIRT.

CHARLOTTESVILLE, March 25, 1811.

MY DEAR FRIEND:

* * * * * *

Yesterday's mail brought me yours of the 23d. You say my election is infallible. I must acknowledge it looks something like it. So, upon the strength of it, I have begun to prepare in earnest. Fearful is the thought of sticking myself upon the Bench, standing the shot of every eye, and giving it back in speeches; but, I will screw my courage to the sticking point, and, with a strong effort, drive back the blood which would mount into my face. They shall not see the coward heart which trembles within. "How many men who, inward searched, have livers white as milk, wear yet upon their front the brow of Hercules and frowning Mars." I don't know whether this quotation be apposite, but you may take it, as a Rowland for your Oliver.

* * * * * * *

As to your meeting me on my circuit, there are two objections: First, it would be a trouble which I cannot consent you should take: and, second, I had rather take a bear by the chin than see *you* in court whilst I was on the bench in my first circuit. I will not say, my dear Wirt, that the friendly solicitude and zeal you have shown for me, in this affair, have surprised me; but I will say, they have given me the truest pleasure my heart can feel. I will say, that they have raised me in my own esteem; for I can never believe that man without merit, for whom you have discovered so much friendship.

* * * * * * *

TO DABNEY CARR.

RICHMOND, March 26, 1811.

MY DEAR FRIEND:

Your stars have at length done you justice. The course of glory is opened to you, and the goal in full view.

* * * * * * *

It is but this instant that H——, a mischievous old rascal, has made my heart sink and turn cold, by telling me, with the best acted gravity, that T—— was elected. He relieved me, however, in two or three minutes after I was *semi-animis*.

I understand that you had five out of six of the Council in your favour. This is glorious! I will drink your health in a bumper, at dinner, and hail you as Judge Carr. Now, how busy, busy will your

gination be, as you ride home. How will the plans and schemes m!—the airy castles tower! To eke out these operations, H——, he 'll be —— if you shall come to Manchester. He says you buy a small farm in the country, where, with six or seven nts, you can maintain your family, keep your children in health, save your salary, wholly.

he suggestion brought a very beautiful and valuable place, as sented to me, in Powhatan, in full view. It belongs to a man he name of Woodson,—has an admirable piece of meadow on it, a most excellent, nay, beautiful house, with all necessary offices. should have bought it myself, last summer, but Cabell, Hare and rs persuaded me I had no business with a farm.

his place lies within two miles of Pope's; and, I think, will cost seven or eight thousand dollars, at the outside,—of which only or three thousand, I think, were required in cash. You can buy place, and stock it, without invading your salary, or absorbing capital of which we talked when you were here. You can make farm a source of profit, as well as of subsistence; and, I doubt that if you provide the first payment, the instalments will be y met by the agricultural profits and the interest of your remain- apital, so as to leave that capital, itself, whole, and enable you to ıp and save every cent of your salary.

hink of the accumulations of ten years, on this scale, while fame cumulating also. The prospect is delightful!

ou see, I have done justice to this scheme of H——'s. He went er, and contrasted the consequences of a residence in Manchester; although his argument thwarted the plan which *self* would have ribed for you (meaning *my* self), yet I confess he staggered me lation to your interests.

ıese things, however, we can examine maturely, before the Legis- e shall meet.

* * * * * * *

think I can see your broad grin before you get within a hundred fifty yards of your house. These are precious feelings.

nce more, God bless you.

Your friend,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, April 11, 1811.

EAR CHEVALIER, ALIAS JUDGE, &c.:

was honoured (mark me, sir, I say honoured, for I felt the honour sensibly) by a letter from your wife, by the last Charlottesville enclosing one for you. By-the-bye, she calls herself *my friend* in; and I would not give that declaration for all the friendship

of you *he fellows* that ever were born. I tell you, sir, the word made my heart *leap*, and I thought I was somebody. O! there is something in the friendship of one of those souls of heavenly mould, that makes all the earth vanish in my view!——Confound it! Was there ever a fellow so much disappointed? I was so much transported with this imagination of friendship, that, thinking it too much, I have turned to her short note, and instead of "friend," find it "yours, with great esteem." How came the idea into my head? No matter. "Yours, with great esteem," is good; but, how much *greater* and less happy does it make me than "your friend." Poh! says your *judicial dignity*, what nonsense! Well, sir,—"poh!"—and there, as George Hay told Edmund Randolph, is a "poh for you." Now, sir, as I am told you can't receive your own letter from your wife until after this, you shall have the whole of hers to me, and so I enclose it, upon your special promise to return it again.

And so, as I was saying — thinks I — would it not be pleasing to Mrs. C——, to let her know I have received her husband's letter, and that it is in the right track to get to him? Thereupon, sir, I sets me down, and forthwith, *in choice phrase*, I writes me a letter to your wife.

If a man will leave his wife, and go off, Heaven knows where, he must not be surprised if a sentimental young Adonis, like me, tries to take advantage of his absence. What I did write, sir, you will not hear from me, nor from her, unless she has a mind to put an end to the correspondence, thus happily begun.

Hem!—hem! You are wrong, sir. The guess is incorrect. I have had no company to-day. Two segars, indeed, I have smoked; but, I am just half-way through a Court of Appeals argument, and I am displeased at the injustice you do me in supposing me to the south of the equator.

Talking of the equator; come, let us be geographical. Heavens! Where are you? Ain't you out of your latitude?—What a parcel of savages!—or, as they used to call it, *salvages*. Hush! They speak well of you; and, gratitude *is* a virtue in spite of Godwin.

Well, now I *will* be serious. I turned the page with a determination to convince you I was sober,—and so I will;—for when a man is—sober, why shouldn't he appear to be so? Very true! "But when or where this world was made for Cæsar, I am weary of conjectures.—This shall end them."

God bless you. All well.

WM. WIRT.

P. S. — Cabell says I must be drunk, or I should not have said "*confound*" to you, when I might have said "*consume*," which he takes to be your word; and which I now, for the first time, suspect you caught from Colonel Morris, with the rest of your classics.

Love Peter Randolph. I am told his modesty envelopes him; but, when you pierce it, you will find him lovely.

Not one line for me. Then come and see me.

Judge C——, inspired by this, writes you a *funny* letter, which he expects you to laugh at, in every line.

Did you ever see such *grave judicial* stuff?

In reply to this he says: "you be ——!" "Upon my word," says N——, "this is Judge-like;" but she is a federalist, and, of course, malicious. A literal dialogue.

W. W.

TO DABNEY CARR.

RICHMOND, June 28, 1811.

MY DEAR JUDGE:

Never having committed such an act of negligence, as to leave behind me the key of my baggage, I know not how to imagine your embarrassments, or sympathise with your distresses. Carelessness, "in man or woman, dear my lord, is,"—as the old fellow told Colonel McDowell, "what I do hate." How does this tagging of Shakspeare, and patching elegant quotations, hit your taste? *Nunquam animus.*

Judge Coalter takes your key, and will chaunt you the triumphs of the Court of Appeals.

I am in main haste. My wife and bairns join in love to you and yours. Ere long, I shall write to you *apud largum.* For the present, with love to Don Pedro and friends,

I am yours,

WM. WIRT.

In the midst of all the playfulness and exultation apparent in these letters, Wirt was suddenly brought to the contemplation of political preferment, for which he had hitherto expressed such determined aversion. The resignation of Mr. Rodney, which occurred at this period, left the post of Attorney-General open to the disposal of the President. Many eyes were turned upon Mr. Wirt at this juncture, as likely to be called to fill this office. His position at the bar, his acquirements and high reputation, as well as the friendly appreciation of him by Mr. Madison, rendered this event quite probable. The general speculation of the society of Richmond upon this appointment, brought the subject so directly to his mind, that he was obliged to give it consideration — not very gravely, indeed, as will be seen presently. How he entertained the proposition, may be read in the

following letter, in reply to some jocular advice upon the matter from Carr.

The reader will understand the reference to the "*lignum apis* Attorney-General," as a specimen of that latinity which, he may have heretofore observed, was somewhat cultivated between the two correspondents. Carr, in this vocabulary, is called "*Carissime Currus;* Wirt is sometimes addressed, in return, as "*Mi care Eras.*" With this key, we may translate "*nunquam animus,*" in the last letter, "never mind," and the phrase above alluded to, "*lignum apis,*" to signify the "would-be" Attorney-General.

This letter is dated from Montevideo, the summer residence of Judge Cabell, in Buckingham, on the James River, where Wirt and his family were frequent guests.

TO DABNEY CARR.

MONTEVIDEO, August 11, 1811.

MY DEAR FRIEND:

I have already written seven letters this morning, to go by the Judge, who has gone to Buckingham Court-house, and thus to be thrown (i. e., the letters) into the current of the mail; but six of those letters were on business, the seventh in reply to one from General Minor, which I was anxious should meet him at the Sulphur Springs, and which it will be pushed to do, as the letter will have to make a circuit by Richmond.

* * * * * *

Your letter was to have been answered, also, through the same channel. But, although I rose by the dawn of day, and had to write by candle-light, my letters were unavoidably so long, and the Judge started so early, that I lost his conveyance for my answer to you, and shall have to throw this into the devious and perilous track of the Warminster monsoon:—the Lord send it a safe deliverance! I am in the humour, however, to write; and there is this advantage in the communion of the heart, that it is of no date, and so never grows stale. *So* now to your letter by Cabell,—which is one "*so*" more than the laws of euphony will justify,—and *so* I add two more, by way of keeping them in countenance. *Allons.*

It was, I think, only last winter that I told you, in all the sincerity and solemnity of friendly confidence, that I had resolved on a plan of life, from which I would not depart; which was, to follow with ardour the pursuit of my profession, along the smooth bosom of the Pacific, on which I was now gliding with a fair breeze and flowing sail; and thus keep myself clear, by many a league, both of land and water

and of those dark and rough storms which are perpetually scourging and lashing into foam the political Baltic. I saw by the experience of others, I told you, the treatment which I should experience, and could anticipate, almost with certainty, the topics of abuse and vilification with which I should be regaled. All this was certainly prudence and sound sense,—perhaps a little too timorous for a hero; but, nevertheless, sensible,—and, as old James Heron said, when he threw up the ace, king and queen of trumps, at loo, "One cannot be too *cautious*."

Well, after this discreet, rational, philosophic talk, which, I remember, satisfied you perfectly at the time, if I might judge by silence, looks and nods of assent, the next thing you hear from me is, that I am red-hot, hissing hot for a plunge into that aforesaid Baltic. What are you to think of such a man? Does such light and weathercock versatility denote a man of sufficient sinew to breast the surge of that stormy sea, and hold on upon his course? Does it become a man who would be a politician? Was I not deceiving both myself and you, when I thought myself philosophizing and resolving prudently? Was I not merely preparing a fund of consolation for political obscurity, and providing, without being conscious of it, for a walk, which I could not avoid, through the humble vale of life—for that track for which, alone, so much fickleness and caprice show that I am fitted? Or have fame and distinction charms which no man (however resolved) can resist, on whom they please to look? Or have I mistaken my own particular character; and has there been, all along, a fund of dormant ambition in my breast, which required but the match to be pointed towards it, to blow up and betray itself; and that, too when it was too late to do any thing but betray itself?

Now, I dare say that, so far from being ready to give me satisfaction in these particulars, your judicial head is, by this time, pretty much in the state of my Uncle Toby's, on a certain occasion which shall be nameless.

But what is the use of pestering ourselves with speculations on this subject? The fact is so; the cat is out of the bag,—and what odds does it make how she came in it?

Very true; but inconsistency is so weak and silly a thing, that a man would much rather bewilder the beholder, in an abstruse and multi-forked speculation about its cause, than to stand stock still, like a target, and brave his steady gaze. Moore talks very happily of "*dulling delight, by exploring its cause;*" why may not a man borrow a hint from that thought, and endeavour to be "dulling contempt by exploring its cause?" I am not certain of the accuracy of the analogy; but I shall not stop my pen to examine it; for, if I do, I may have to blot out, and I hate a blurred and blotted letter: so, here we go!

Now, sir, let me tell you that I did not like your "*lignum apu*

Attorney-General of the United States." The retort was not a fair one; *you* are *in* office, snug and safe, and, therefore, were fair and lawful game; whereas I was only in a state of aspiration, with a pretty fair prospect of a disappointment before me. Sir, you were not only violating Sterne's beautiful sentiment of breaking a jest in the *sacred presence* of sorrow, but were breaking your jest on that very sorrow itself,—making it the theme and butt, as it were, of your merriment.

As to you, I do not hear man, woman or child whisper the faintest *susurration*, (or susurrate the faintest whisper, as the case may be, as our form-books sagely tell us,) of a doubt of your being confirmed. Not meaning that our form-books tell us of a doubt,—for that would be to disregard the parenthesis, through mere wantonness and levity of head, than which there cannot be a greater misfortune to a Judge, except, indeed, the *plumbosity* of the same member, (if, indeed, it be a member,) (as I should suppose it not only was, but also the *head* and chief of members)—lo! I am lost:—but to come back to you as the rallying point.

Cabell says there is no more doubt of your confirmation than——chalk 's like cheese, or than——any thing in the world. So, you see you are safe enough.

I shall call at Pope's as I go down, about the 20th; see whether the definitive treaty is signed; examine the site, and give you my opinion, *gratis*.

Now, this puts me in mind of myself, again; for why should I wish to be going from Richmond, when you are coming so near it? Ay, why should I? What is there in the rough, unbuilt, hot and desolate hills of Washington, or in its winter rains, mud, turbulence and wrangling, that could compensate me for all those pure pleasures of the heart I should lose in such a vicinity? No,—since we have spent our youth and manhood together thus far, my wish is to go down the hill, "hand in hand, and sleep together at its foot." How natural was Pope's dying sentiment to *his* situation, "There is nothing in life that is worth a thought, but friendship?" We both know that there is another sentiment of still greater value; yet they are both requisite to the harmony of the piece: love is the tenor of life's music, and friendship its bass. So, I will stay at Richmond.

As at present advised, I think that Dallas, if he would accept, ought to have the appointment. J. T. Mason, I am told, would not. Pinkney, we conjecture here, will receive it, if it should be vacated. I know but little of him; he had the reputation, when I was at school, of being the most eloquent young lawyer in Maryland. His foreign service, especially at this particular juncture of our foreign affairs, might make him a useful member of the Cabinet.

I cannot help thinking that there is something little, in this notion of appointing the highest officers in the Union, by consideration of

ice. It may do in appointing tide-waiters and mail-carriers; but re I a President, and forming a Cabinet who were to assist me sustaining my vast responsibility, I would be no more governed by idence, than I would by the colour of a man's hair. *Cæteris pari-s*, I would, indeed, regard it:—but I would, first, be very sure that e *Cæteris* were *paribus*. I give you this as an abstract principle, d not as one which would at all contribute to my promotion. As myself, I hope you will believe me sincere when I tell you, that I ould think Walter Jones a preferable selection. I say not this as liciting a compliment from you, my friend—for I know your partial-;—but because I am in earnest, and because I wish to repel an ference of which I was shocked to find my remark, on the other le, susceptible—that the principle of choosing by superior capacity ould lead to my appointment. This is an awkward scrape I have t myself into, so I will get out of it as fast as I can.

* * * * * *

I wish to Heaven I could have gone over with Cabell, but I had a ountain of business to prepare for the fall campaigns.

The Old Bachelor, you see, suffers by my engagements. I have it had time, or the temper, since the summer vacation commenced, please even myself, much less others, by an essay.

* * * * * *

Mrs. C. and the Judge join in affectionate remembrances.

God bless you.

WM. WIRT.

It is scarcely necessary to remind the reader that Mr. Pinkney succeeded to the Attorney-Generalship in December of this year, and at Wirt's accession to this post was only deferred until the succeeding administration at Washington found occasion for his services.

Passing from these topics, the reader will be pleased with the impse, which the next letter affords, into the privacy of domestic e, and the affectionate solicitude with which the subject of our emoir devoted himself to the education of his children. His eldest ughter, Laura, was now eight years of age. He has already marked it her course of study; and his aim is to awaken her mind to a rception of the value of the discipline he inculcates. To that end, is letter is addressed to her, in language of such plain and simple ructure—almost in words of single syllables—as may reach the mprehension of a child, but, at the same time, wrought with mirable skill into a moral lesson of exquisite beauty.

There is nothing amongst Mr. Wirt's productions more pleasantly characteristic of himself than this letter to his child.

TO LAURA H. WIRT.

RICHMOND, September 13, 1811.

MY DEAR LAURA:

I would have answered your letter sooner, but that my courts and my clients hardly leave me time to write to your dear mother, to whom, of all other earthly creatures, you and I owe our first duties. But I have not loved you the less for not writing to you: on the contrary, I have been thinking of you with the greatest affection, and praying for you on my bended knees, night and morning, humbly begging of God that he would bless you with health and happiness, and make you an ornament to your sex, and a blessing to your parents. But we must not be like the man that prayed to Hercules to help his wagon out of the mud, and was too lazy to try to help himself:—no, we must be thoughtful; try our very best to learn our books, and to be good; and then, if we call upon our Father in heaven, he will help us. I am very glad your Latin grammar is becoming easier to you. It will be more and more so, the more you give your whole mind to it. God has been very kind in blessing you with a sound understanding; and it would be sinful in you to neglect such a great blessing, and suffer your mind to go to ruin, instead of improving it by study, and making it beautiful, as well as useful, to yourself and others. It would be almost as bad as it would be for Uncle Cabell to be so lazy himself, and to suffer his labourers to be so lazy, as to let his rich low grounds run up all in weeds, instead of corn, and so have no bread to give his family, and let them all starve and die. Now your mind is as rich as Uncle Cabell's low grounds; and all that your mother and father ask of you, is, that you will not be so idle as to let it run to weeds; but that you will be industrious and studious, and so your mind will bring a fine crop of fruits and flowers.

Suppose there was a nest full of beautiful young birds, so young that they could not fly and help themselves, and they were opening their little mouths, and crying for something to eat and drink, and their parents would not bring them any thing, but were to let them cry on from morning till night, till they starved and died, would not they be very wicked parents? Now, your mind is this nest full of beautiful little singing-birds; much more beautiful and melodious than any canary-birds in the world; and there sits fancy, and reason, and memory, and judgment,—all with their little heads thrust forward out of the nest, and crying as hard as they can for something to eat and drink. Will you not love your father and mother for trying to feed them with books and learning, the only kind of meat

and drink they love, and without which those sweet little songsters must, in a few years, hang their heads and die? Nay, will you not do your very best to help your father and mother to feed them, that they may grow up, get a full suit of fine glossy feathers, and cheer the house with their songs? And, moreover, would it not be very wrong to feed *some* of them only, and let the rest starve? You are very fond, when you get a new story-book, of running through it as fast as you can, just for the sake of knowing what happened to this one, and that one; in doing this, you are only feeding one of the four birds I have mentioned,—that is, *fancy*, which, to be sure, is the loudest singer among them, and will please you most while you are young. But, while you are thus feeding and stuffing fancy,—reason, memory and judgment are starving; and yet, by-and-bye, you will think their notes much softer and sweeter than those of fancy, although not so loud, and wild, and varied. Therefore, you ought to feed those other birds, too: they eat a great deal slower than fancy: they require the grains to be pounded in a mortar before they can get any food from them; that is, when you read a pretty story, you must not gallop over it as fast as you can, just to learn what happened; but you must stop every now and then, and consider why one of the persons you are reading of is so much beloved, and another so much hated. This sort of consideration pounds the grains in a mortar, and feeds reason and judgment. Then you must determine that you will not forget that story, but that you will try to remember every part of it, that you may shape your own conduct by it,—doing those good actions which the story has told you will make people love you, and avoiding those evil ones which you find will make them hate you. This is feeding memory and judgment both at once. Memory, too, is remarkably fond of a *tit-bit* of Latin grammar; and, though the food is hard to come at, yet the sweet little bird must not starve. The rest of them could do nothing without her; for, if she was to die, they would never sing again,—at least not sweetly.

Your affectionate father,

WM. WIRT.

We have seen that, almost from the first moments of Mr. Jefferson's acquaintance with Mr. Wirt, a friendly intercourse had grown up between them, which had gradually ripened into the most cordial esteem and confidence. It was this sentiment, on the part of Mr. Jefferson, which led him to employ his young friend in the prosecution of Burr. He subsequently engaged him as his private counsel in various matters which required legal advice. After his retirement from the presidency, he had more than once been annoyed by suits which were more properly the care of the Government, but in which

attempts were made to hold him responsible, in his own person, for acts done in the course of his public administration. Of this character was the suit brought against him, in 1810, by Mr. Edward Livingston, which was now pending for trial, in the Circuit Court of the United States, at Richmond. This case is well known to the legal profession as the Batture case, which, in its progress, occupied a considerable share of the public attention; and, not confined to the courts, produced a very learned and elaborate controversy between the two distinguished parties to the cause.

New Orleans was the theatre of the great excitement to which the incidents belonging to this controversy had given rise. The new beach formed by the deposits of the Mississippi, upon every annual flood, had been claimed by the proprietors of the adjacent bank, as legal accretions to their own possessions. Mr. Livingston being one of these proprietors of valuable lots in the city, had asserted his claim, in 1806 and '7, to new soil coming within this description of increase by alluvion. He had done this to the discontent of many persons in New Orleans, who apprehended, from certain works constructed by him upon the beach,—or batture, as it was called,—serious injury to the harbour. The intervention of the General Government was demanded in the matter, upon the ground that the beaches and beds of rivers were under its special protection. Great exasperation prevailed in the city against Mr. Livingston. Riots were threatened; and the grand jury had presented the new structure on the beach as a nuisance. In response to the application to the government, Mr. Jefferson had directed the labourers in the employ of Mr. Livingston to be driven off the ground, which order was finally enforced by a *posse comitatus*. This was done in opposition to the judgment of a local Court, which had decreed in favour of Mr. Livingston.

The consequence of these proceedings was, as has been already stated, a suit against Mr. Jefferson for a trespass. Mr. Wirt, Mr. Hay, and Mr. Tazewell, were employed as his counsel, and were furnished with full notes of the merits of the controversy. The case, however, never reached a discussion of the merits of the chief questions between the parties. It was dismissed after argument,—Mr. Wickham appearing for the plaintiff,—upon the opinion of Judges Marshall and Tucker, that the Court in Virginia could not take cog-

issance of a trespass committed on lands in Louisiana. This sudden rmination of the case seemed to be equally unsatisfactory to both arties, who had made such ample preparation for the main battle as ot willingly to be reconciled to give it up. The controversy was herefore resumed with pen and ink; and a vast amount of learning, easoned by a due admixture of sarcasm, wit and invective, was lav- ished upon the subject, very much to the edification of contentious iparian possessors and claimants of alluvial deposits forever here- fter.

Contemporaneous with this proceeding, we have a correspondence etween Mr. Jefferson and Mr. Wirt, upon a subject of more general nterest, as connected with the political history of the past. The apse of thirty-seven years has stript this correspondence of its private nd confidential character, and may now be opened to the public with- ut any apprehension of unfriendly comment.

Duane, the editor of the Aurora in Philadelphia, who had been a ost effective supporter of Mr. Jefferson's administration, had lost uch ground with the republican party, by his assault upon Mr. Madi- on and Mr. Gallatin, during the presidential canvass in which the rmer of these gentlemen had succeeded to the Chief Magistracy. he consequence of this imprudence, was a sensible diminution of the eans to sustain his paper. The government "organ," in those days, ad not that secret mine of treasure which the experience of our time as found in the patronage of the ruling party. Duane was in dis- ress, and needed additional support. In this strait he applied to Mr. efferson, in the hope that, by his recommendation, the subscription ist of the Aurora would be enlarged, and the republican party be nduced to contribute what might be found necessary. How this pplication fared, will be seen in the extracts from the few letters to hich I have referred.

FROM MR. JEFFERSON TO MR. WIRT.

MONTICELLO, March 30, 1811

DEAR SIR:

Mr. Dabney Carr has written to you on the situation of the editor f the Aurora, and our desire to support him.

This paper has unquestionably rendered incalculable services to epublicanism through all its struggles with the federalists, and has

been the rallying point for the orthodoxy of the whole Union. It was our comfort in the gloomiest days, and is still performing the office of a watchful sentinel. We should be ungrateful to desert him, and unfaithful to our own interests to lose him. Still, I am sensible, and I hope others are so too, that one of his late attacks is as unfounded, as it is injurious to the republican cause. I mean that on Mr Gallatin, than whom there is no truer man, and who, after the President, is the ark of our safety.

I have thought it material that the editor should understand that that attack has no part in the motives for what we may do for him: that we do not, thereby, make ourselves partisans against Mr. Gallatin; but while we differ from him on that subject, we retain a just sense of all his other services, and will not be wanting as far as we can aid him.

For this purpose I have written him the enclosed answer to his letter, which, I send for your perusal, on supposition that you concur in the sentiment, and would be unwilling he should misconstrue the service you may be able to render him, as an encouragement to proceed in the mischievous undertaking of writing down Mr. Gallatin. Be so good as to return the paper when read; and to be assured of my sincere and constant attachment and respect.

THOMAS JEFFERSON.

TO THOMAS JEFFERSON.

RICHMOND, April 10, 1811.

DEAR SIR:

I have your favours by the last mail, and will attend to them with much pleasure.

If any thing could be done for Colonel D. here, it would be by showing the copy of your letter to him. I shall retain it for another mail, that I may receive your directions as to making use of it or not. You may rely upon it that D.'s name has no magic in it here. He is considered as the foe of Mr. Madison; and the republicans here have no sympathy with any man who carries opposition colours, whether federalist, *quid* or *tertium quid*.

The distinction which you made between the past fidelity and present aberration of the Aurora, is just, liberal and magnanimous; and the sentiment might, perhaps, be spread by the contagion of your letter. I have made one experiment, to-day, without it. The answer was, that D. could not want friends, since his alliance with the S——s.

By the next mail, I shall have satisfied myself conclusively as to the possibility of my doing any thing without the aid of your letter

With respectful affection,

Your friend and servant,

WM. WIRT

TO THOMAS JEFFERSON.

RICHMOND, April 17, 1811.

DEAR SIR:

* * * * * *

The copy of your letter to D., has been shown to one person only——

* * * With the use of that letter, something important might be done for D., in spite of the adverse spirit, or, at least, distrust which the factious and equivocal character of his paper has lately excited—equivocal in relation to Mr. Madison. But his three or four last papers contain such insulting paragraphs in relation to Mr. Madison, that I think it very dubious whether even your letter would not be too late, had I been permitted to show it.

The paper is regarded, now, as an opposition one. In what other light can it be regarded, when it exhibits the President as being so perfectly the tool of Mr. Gallatin, as to have descended from the ground of a gentleman in relation to Mr. S., and played him "a shabby Genevan trick?"

* * * * * * *

Can charity or magnanimity require us longer to adhere to this man? Can he consider it as persecution to desert him, after he has abandoned his cause, the people and the President, and has begun to strain every nerve to bring them into contempt? I think he has for some time required a lesson on the subject of modesty, which the people will now give.

* * * * * * *

Every gentleman who mentions this subject in my hearing, speaks with the warmest resentment against D. Believe me, it is impossible to do any thing for him here now; and any further attempt would only disable me from rendering any service to the cause hereafter. It is the impracticability of serving him produced by his own conduct, as well as the violation I feel it would be of my sentiments for Mr. Madison, that prevent me from proceeding. * * * I return, herewith, the copy of Mr. D.'s letter to you, and yours to him; and beg you to be assured of my respectful and affectionate devotion.

WM. WIRT.

THOMAS JEFFERSON TO WILLIAM WIRT.

MONTICELLO, May 3, 1811.

DEAR SIR:

The interest you were so kind as to take, at my request, in the case of Duane, and the communication to you of my first letter to

him, entitle you to a communication of the second, which will probably be the last. I have ventured to quote your letter in it, without giving your name, and even softening some of its expressions respecting him. It is possible Duane may be reclaimed as to Mr. Madison—but, as to Mr. Gallatin, I despair of it. That enmity took its rise from a suspicion that Mr. Gallatin interested himself in the election of their governor, against the views of Duane and his friends. I do not believe Mr. Gallatin meddled in it. I was in conversation with him nearly every day during the contest, and I never heard him express any bias in the case. The ostensible grounds of the attack on Mr. Gallatin, are all either false or futile.

* * * * * *

But they say he was hostile to me. This is false. I was indebted to nobody for more cordial aid than to Mr. Gallatin; nor could any man more solicitously interest himself in behalf of another than he did of myself. His conversations with Erskine are objected as meddling out of his department. Why then do they not object to Mr. Smith's with Rose? The whole nearly of that negotiation, as far as it was transacted verbally, was by Mr. Smith. The business was in this way explained informally; and, on understandings thus obtained, Mr. Madison and myself shaped our formal proceedings. In fact, the harmony among us was so perfect, that whatever instrument appeared most likely to effect the object was always used without jealousy. Mr. Smith happened to catch Mr. Rose's favour and confidence at once. We perceived that Rose would open himself more frankly to him than to Mr. Madison, and we, therefore, made him the medium of obtaining an understanding of Mr. Rose.

Mr. Gallatin's support of the Bank has, I believe, been disapproved by many. He was not in Congress when that was established, and, therefore, had never committed himself publicly on the constitutionality of that institution, nor do I recollect ever to have heard him declare himself on it. I know he derived immense convenience from it, because they gave the effect of ubiquity to his money wherever deposited. Money in New Orleans or Maine was, at his command and by their agency, transformed in an instant into money in London, in Paris, Amsterdam or Canton. He was therefore cordial to the Bank. I often pressed him to divide the public deposits among all the respectable banks, being indignant myself at the open hostility of that institution to a government on whose treasures they were fattening. But his repugnance to it prevented my persisting. And, if he was in favour of the Bank—what is the amount of that crime or error in which he had a majority, save one, in each House of Congress as participators? Yet, on these facts endeavours are made to drive from the administration the ablest man, except the President, who ever was in it, and to beat down the President himself, because

he is unwilling to part with so able a counsellor. I believe Duane to be a very honest man, and sincerely republican; but his passions are stronger than his prudence, and his personal as well as general antipathies render him very intolerant. These traits lead him astray, and require his readers—even those who value him for his steady support of the republican cause, to be on their guard against his occasional aberrations. He is eager for war against England,—hence his abuse of the two last Congresses. But the people wish for peace. The re-election of the same men proves it; and, indeed, war against Bedlam would be just as rational as against Europe, in its present condition of total demoralization. When peace becomes more losing than war, we may prefer the latter on principles of pecuniary calculation. But for us to attempt a war to reform all Europe, and bring them back to principles of morality and a respect for equal rights of nations, would show us to be only maniacs of another character. We should, indeed, have the merit of the good intentions, as well as the folly, of the hero of La Mancha. ——But I am getting beyond the object of my letter, and will, therefore, here close it, with assurances of my great esteem and respect.

TH. JEFFERSON.

CHAPTER XX.

1812—1813.

THE WAR.—ITS EXCITEMENTS.—WIRT DECLINES A COMMISSION IN THE ARMY.—VOLUNTEER SOLDIERY.—LIFE OF HENRY.—BURNING OF THE RICHMOND THEATRE.—GOVERNOR SMITH.—CARR APPOINTED CHANCELLOR, AND REMOVES TO WINCHESTER.—LETTERS TO HIM.—W. ATTEMPTS TO WRITE A COMEDY.—JUDGE TUCKER'S OPINION OF THE INFLUENCE OF SUCH LITERATURE ON PROFESSIONAL CHARACTER.—DIFFICULTY OF COMEDY.—PROFESSIONAL DIGNITY.—RICHMOND BAR.—ANECDOTE OF A TRIAL BETWEEN WICKHAM AND HAY.—EPIGRAM.—WARDEN.—LETTER TO CARR.—TIRED OF THE OLD BACHELOR.—BIOGRAPHY.—LETTER FROM JUDGE TUCKER ON THIS SUBJECT.—INCIDENTS OF THE WAR.—BRITISH ASCEND TO CITY POINT.—WIRT RAISES A CORPS OF FLYING ARTILLERY.—LETTER TO MRS. W.—TO DABNEY CARR.—GILMER A STUDENT OF LAW.—LETTER OF ADVICE TO HIM.

WE have now approached a period of great public concern—the war of 1812. They who remember the interest which the events of

that period excited, will not need to be told that it pervaded every portion of the country, and furnished an absorbing topic for every social circle. Along the Atlantic border, this interest was increased by continual alarms produced by the enemy, whose squadrons hovered upon the coast, and not unfrequently made descents upon exposed or unprotected points. Although the Canada frontier was the scene of the severest conflicts, and was therefore brought to realize the worst extremes of war, there was still enough of threatened and actual collision upon the bays and rivers of the Atlantic and the Gulf of Mexico, to keep all that region in a state of anxious outlook and busy preparation. The blockade of this coast, in general loosely and inadequately maintained, was rigidly enforced at two points, by the presence of ships of war in the Delaware and Chesapeake. The cities of Philadelphia, Baltimore, Norfolk and Richmond were thus admonished of impending danger, and were consequently ever upon the alert. The frigate Constellation lay at Norfolk, and more than one effort was made by Admiral Warren to effect her capture. One of these efforts, in June, 1813, was the assault of Craney Island, where the British forces were defeated by the Virginia militia, aided by the seamen of the Constellation, under the command of Captain Tarbell. The village of Hampton was afterwards attacked by the British and taken, and the most disgraceful barbarities practised upon the inhabitants; barbarities which were the more atrocious, as they were directed, in some notable cases, against women, who were forced to submit to the most shocking outrages from a licentious soldiery. The particulars of this execrable violation of the rules of civilized warfare are yet fresh in the memory of that region, and obtained, at the time, a prominent notoriety amongst the most revolting events of the war.

It may be imagined that such incidents aroused a universal feeling of anxiety everywhere over the district within the supposed reach of the power of the squadron, and kept the people of the country in a constant state of feverish expectation of the probability of fresh encounters. The militia of the interior were always prepared for a summons to the coast; volunteer companies were everywhere formed; and the stir and show and apparatus of war became the most familiar objects to all classes of the population.

With all the disquietude and uneasy apprehension which belonged

to such a state of things, there was also a certain degree of intense and pleasant excitement, which was greatly relished by the younger and more enterprising portions of the community. The preparations for camp life, and the occasional experience of it; the expectation of actual service which was ever present to those selected for duty; the military array seen in every town; the music, the banners, the daily parade, the rapid muster and equipment of men; the frequent marching of detachments to threatened points; the performance of garrison duty; the brotherhood and companionship of military life; its adventures, its stories, its comic as well as serious incidents; all this, under the pleasant skies of a mild season of the year, without the discomforts and sufferings of a severe campaign,—not far from home, and consequently within the reach of abundant food and shelter,—gave a kind of sunshiny holiday attraction to the period, which, as I have remarked, rendered the war, to the great mass of those who were most familiar with these scenes, rather a pleasant change from the monotony of ordinary quiet life.

Richmond was one of the centres of this excitement; near enough to be threatened with invasion, yet sufficiently remote to be guarded against sudden surprise. During the two years of the war, therefore, she may be said, with some exceptions, to have found, in the agitation of the public events, an agreeable supply of novelty to feed that appetite for news, which was scarcely less characteristic of the gossiping Athenians in the days of Pericles, than of our own people in the time to which I have referred;—which, indeed, has suffered no abatement since.

Wirt was, at this time, at the head of his profession, enjoying a full share of its employments and emoluments. The war was now at his door. The military ardour of 1807, which was strong enough then to take him, if occasion offered, to Canada, was now somewhat tempered by the monitions of professional and domestic duties. The idea of the legion was not revived; Canada was committed to other hands; and all those dreams of martial glory, which had once captivated his younger imagination, were sobered into a sensible resolve to do his duty at home, as a citizen soldier, when called upon, and to transfer

his aspirations after warlike renown to those whom fortune had not yet favoured with a better reputation.

Some intimation was given to Mr. Madison by a friend, that Wirt would still accept a commission in the army. This led him to write to the President a letter, declining such an appointment, in which he stated, that "however strong the desire to enter the service of the country actively, the situation of his private affairs would not permit it. Circumstanced as he was, such a step would be a sacrifice, not called for by the posture of the country, and wholly incompatible with his duties to his family."

Thus renouncing a purpose which he had, a few years before, cherished with so much zeal, he was now content to take his part in the scenes around him, in whatever manner he might be able to make himself useful. A portion of the British squadron had, at one time in 1813, ascended the James River as high as City Point, and thereby aroused the capital to a vivid apprehension of an attack. At this juncture, Wirt raised a corps of flying artillery, which, consisting of the choicest material of the country, was, under his command, brought into an excellent state of discipline and efficiency—alas! without an opportunity (as we may say, without disparagement, it fortunately turned out) to demonstrate their own or their leader's prowess before the enemy. Richmond survived the many attacks which were threatened without being made; and was favoured with the most satisfactory opportunities, short of bloodshed, to evince her patriotism and public spirit. Thus be it ever, in all future wars!

The valour of our volunteer soldiery, which has latterly worked such miracles upon the bloody fields of Mexico, was not less confided in in the war of 1812, though exposed at that time to a much severer probation, before the veteran soldiers of Wellington. That the exploits of the volunteers of that day were not so brilliant as those of the latter period, we may attribute not less to the character of the army itself, than to that of the enemy each has had to encounter. The levies of 1812 were gathered from the general mass of the population, more actuated by the common sense of duty in the crisis, than by any predilection for military adventure. They included, therefore, citizens of all ranks and pursuits, taken from the very midst of their

families and business, with all the dependencies and concerns of domestic life yet strongly soliciting their care and protection. They repaired to the field, not from choice so much as from a sense of eminent necessity, exacting the temporary sacrifice of their time and service. The volunteers of Mexico, on the contrary, were the picked men of the nation, who, devoting themselves to a service more than a thousand miles from home, went to it under the strong impulse of adventure and love of martial life. They consisted of the young, the ardent and the brave, who, for the time, renounced all domestic pursuits, and marched to the field, animated by the hope of distinction, and disenthralled from all civil cares and engagements. Thus fortified by resolve, stimulated by love of the profession, cheered by loud acclamations of friends, unimpeded by domestic solicitude, and filled with the ardour and courage of the national character, they more resemble the chivalry which, a few centuries ago, assembled around Gonsalvo de Cordova, or Gaston de Foix, in their descents upon the fields of Italy, than they do any army of modern times. The skill, concert, impetuous valour and persevering labour of their assaults, will be the theme of commendation from military critics in centuries to come; whilst the brilliancy of their victories over such disproportioned numbers, and the rapidity of their conquest of the strongholds of Mexico, will be regarded as the marvels of the age in which they were achieved.

The contests of the regular army on the Canada frontier, in the war of 1812, will suffer nothing in the comparison with those of the latter period. The laurels won by the youthful general at Chippewa and Lundy's Lane, will retain a verdure as fresh as those which the same chief has plucked in his elder day, upon the plains of Mexico.

Wirt's professional engagements had now so multiplied upon his hands as nearly to engross all his time; and the reputation following his success seems to have so far gratified his ambition, as in a great degree to suspend his literary projects, or, at least, to restrict them to few and desultory efforts. The Old Bachelor, the greater part of which had been completed in the year 1811, slumbered through all the following year, and, after a slight endeavour towards a revival, was finally disposed of in 1813. The Life of Patrick Henry, too, was

found to be an enterprise of less promise than at first it seemed. We shall have occasion hereafter to notice the embarrassments of this task, and how weary the author became of it.

In a letter from Mr. Jefferson to him upon this subject, the former expresses a difficulty in regard to the collection and the publication of facts respecting Henry, which Wirt had already felt. In answer to this letter, Wirt remarks: "I despair of the subject. It has been continually sinking under me. The truth, perhaps, cannot be prudently published by me during my life. I propose, at present, to prepare it, and leave the manuscript with my family. I still think it a useful subject, and one which may be advantageously wrought, not only into lessons on eloquence, but on the superiority of solid and practical parts over the transient and gaudy show of occasion. I wish only it had been convenient to you to enable me to illustrate and adorn my theme by a short portrait of Mr. Henry's most prominent competitors."

I may notice here, as some reference to the event will be made in the course of this narrative, that Richmond had, in the last week of the year 1811—the day after Christmas—been visited by a calamity of overwhelming horror, in the burning of the Theatre, during a performance which had attracted to the house an unusual crowd of the most cherished members of the society of the city. Between sixty and a hundred persons were burnt up in the conflagration. Amongst these were the Governor of the State, George W. Smith, Mr. Venable, the President of the Bank of Virginia, Mr. Botts, the gentleman whom we have seen engaged as one of the counsel of Burr; the wife of this gentleman and his niece, with many other ladies most endeared to the community of Richmond—young and aged—were also whelmed in this awful catastrophe. Richmond was shrouded in mourning, with scarce a family in it that had not suffered some bereavement. So melancholy a disaster, we may suppose, would leave its traces upon the character of the city for many years. It was long before Richmond resumed that cheerful and careless tone of social enjoyment for which it was previously distinguished.*

* I find a manuscript reference to this sad event, amongst the papers of Mr. Wirt, in which he has detailed some of the particulars attending the

The ensuing letters unfold some interesting particulars of personal history, making occasional references to the incidents of the war, and presenting some few evidences of the literary aspirations, rather than labours, of the writer. They furnish, besides, agreeable pictures of the contentment and cheerfulness which attend a prosperous life.

The nomination of Judge Carr to the Bench, by the Governor and Council, required the ratification of the Legislature. In this proceeding, in the session of 1812, an opposition was got up against the Judge sufficiently strong to defeat him. During the year in which he had served on the Bench, it was universally admitted that entire satisfaction was given to the public—that, in fact, the office was administered with distinguished ability. The opposition is said to have arisen out of objections of a purely local character, which touched what was supposed to be the claims of other persons. It is said, that acknowledging the Judge's merits, and with a special purpose to retain him in the Judiciary, the Legislature created a new Chancery district, of which Winchester was the seat of justice, and bestowed the appointment to it upon him. This appointment he promptly accepted. It compelled him to change his residence from Charlottesville to Winchester. The change seems to have gone hard with him for some time. To one of his genial temper and love of domestic associations, such a breaking up of settled habits and separation from familiar faces, was rather a severe tax upon his affections. This will explain the occasion of the next letter.

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death of the Governor. I extract a few passages:—"On the fatal night of his death," says this record, "he had taken his wife and one of his sons, about nine or ten years old, to the play. At the cry of fire he led Mrs. Smith into the box lobby; and recollecting that he had left his little son behind in the box, he told her to remain there until he stepped back for the boy. It was her wish to do so, but the pressure of the crowd bore her away. When the Governor returned, his wife was not to be seen. He hastened down with the boy, and having placed him in safety on the outside of the door, returned, it is supposed, to look for his wife. In the meantime, she, after having been pressed to and fro by the waving motion of the multitude, was fortunately driven near a window, just at the time when the word was given to 'break down the windows'—and through this, by a leap of twelve or fifteen feet, she made her escape without other injury than a sprained ankle and the bruises which she received from the pressure of the crowd. Her husband, unable to find her, perished in the generous and pious pursuit."

TO JUDGE CARR

MONTEVIDEO, Buckingham Co., Nov. 12, 1812.

MY DEAR FRIEND:

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Cabell and myself went down at the beginning of the month to attend the Court of Appeals, where, among a large packet of other letters, I found your affecting favour from Winchester, which I read to him. As I had been all the summer absent from Richmond, and had then but a few days to stay with the Court of Appeals, for whom I had also to prepare my statements, &c., I could find no time to answer you from that city:—to atone for it, I seize the first hour of composure here, to commune with you.

I need not tell you that I enter fully into your situation and feelings; yet I, who have been torn so often from neighbourhoods and friends, and forced to make new settlements among strangers, should not have felt the change on my own account, so acutely. I know, experimentally, that the first pangs, on these occasions, are all that we have to endure. Nature soon accommodates us to every change. A soft and not unpleasing melancholy, from a remembrance of the past, now and then recurs in the pauses of business and social intercourse; but from circumstances and situations apparently the most unpromising and hopeless, the great *vis medicatrix naturæ* enables us to extract not merely consolation, but amusement and happiness. We become acquainted with new characters, whose oddities divert us; whose intellectual adroitness and resources interest and instruct us; whose amiable qualities and kind offers warm and attach our hearts. A difference of manners may keep us asunder for a time, like the negative and positive electricity of bodies differently charged; but intercourse produces an assimilation, and instead of repelling, we begin mutually to attract; or if we neither acquire the manners of those among whom we live, nor communicate our own to them, yet their peculiarities soon become so familiar to us, that we are not conscious of them, but look at once through them to the heart and mind of the person.

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Now, why can we not put a little philosophical force upon ourselves, and anticipate at once those results which we are sure nature will ultimately bring about? By this course, we shall avoid the painful interval between the first repugnance, and the accommodation of habit. For example, if, giving way to this repugnance, we hold off, shy and aloof, we shall beget equal shyness on the other hand, and the interval of indifference may be a very long one,—if it does not end in a fixed and mutual aversion. If, on the other hand, in instances in which established character, or our own *judgment of*

the individual warrants it, we at once break through our prejudices and force a familiarity and intimacy, we generate those same qualities in strangers towards ourselves, who have also their prejudices against us to vanquish, and thus, like Scott's stag, "at one brave bound the copse we clear," &c. &c.,—"which &c., hath much learning in it."

Why may you not form new friendships there? I must be candid enough to tell you, that I feel some jealousy at this suggestion, myself, and do not want you to love any new friend quite so well as I hope you do me, and as I certainly do you. It is my magnanimity, therefore, or the nobler side of my friendship, that suggests this consolation to you for those friends from whom you have been separated. Against these suggestions, you may urge the common opinion that ardent friendship cannot be formed at *your advanced state* of life. To be sure, *I* cannot reason on this point *experimentally*—"you must go to some one older than me." But then, I am informed by books, of men nearly as old as yourself, who have formed the warmest friendships: for example, there was Walsh, who at the age of seventy, contracted a most vehement friendship for Alexander Pope, then only sixteen years of age, which lasted through life, that is, through Walsh's life. And Pope himself, when sixty, contracted a similar friendship for Warburton. Examples might be easily multiplied to show the physical possibility of such friendship. I have, myself, formed the most sincere and disinterested friendship for at least two men, old enough to treble my years; and I am convinced that I shall have for Frank Gilmer, (who you know is a member of my family now,) as warm a friendship as if he were my brother.

This disparity of age seems to be necessary to bring about that equality which in some way or other, must be the basis of friendship. Where equality of years is wanting, the partnership must be rendered equal in some other way. For instance, one brings youth and genius into the fund; the other, age and character. Perhaps a better, though a less artificial solution of it is, that the one or the other must be inexperienced and credulous; the other, conscious of his own purity.

Two old men do not form these friendships: reciprocally aware of the fallacious exterior of characters, they cannot trust each other.

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Fortunately for you, the tooth-ache has stopped this lecture.

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Your friend,

WM. WIRT.

Carr did not receive this letter until it was brought to him enclosed in the following:

TO JUDGE CARR.

RICHMOND, March 31, 1813.

Very well, sir;—consume* and abuse me as much as you please. Throw my letter away, and say that I have delayed writing till all the grace of the act is gone; that, now you have become acquainted in Winchester and happy in your new acquaintance, so as no longer to require the cheering letters of your old friends, I, for the first time, begin to write; that, when you wished me to write, I would not; and that when you no longer wish me to write, or care for my writing, I pester you with my letters; that I have played by you, as a friend, pretty much such a part as Johnson says Chesterfield played by him as a patron: "Is not a patron, my lord, one who sees his client struggling in water above his depth, without going to his relief; and when he has reached the shore, incumbers him with his needless assistance?" This is the thought,—I pretend not to quote his words. Well; have you got cool? Now read the enclosed, which I do assure you was written when and where it professes. You see, then, how well inclined I was, to have done my duty promptly towards you; * * * * * the necessity of my hurrying down to Richmond, where the Federal Court and the Court of Appeals were sitting together,—the manner in which I have been kept under the lash, by the Court of Appeals, until about ten days ago,—the circumstance of my being in the nineteenth regiment, which has been called on duty and placed on the war establishment,—not having been discharged until last Saturday,—and the anxieties generated by the vicinity of the British; the uncertainty of their plans, and the defenceless condition of the State, have, in succession, held me "in durance vile," unharmonising me for that sweet correspondence with you which I so much enjoy, in peace and ease. Come, come; let your choler give way; let your crest fall; let the angry blood in your cheeks retire; let your cheeks, themselves, subside; and do not look quite so much like Jupiter Tonans, when he "*inflat ambas buccas.*" So, so. Now we are as we were, and I will mend my pen. You know the Scotchman, under similar circumstances, cried "halt a little, while I tak' a wee pickle o' sneeshing."

Sir John Borlase Warren, certainly *molliter manus imposuit*, for which I thank him. The more fool he, the more fortunate we. He might, with the three thousand marines, which he is said to be able to detach from his ships without weakening their defence too much, have battered and burnt down our cities of Norfolk and Richmond,

* There are several references in the letters to this phrase of Carr's, which seems to have been the limit to which his kind nature would allow him to go, in the way of imprecation.

have plundered our banks and demolished our armory and the archives of the nation. He has waited so long, that now we do not fear him; while we, by no means, feel ourselves so secure as to lay aside our caution.

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The Old Bachelor is in the bookbinder's hands, at Baltimore, and is waiting only for a few additional numbers, which I have not yet had time to scribble; so that, you see, we are likely "to float together *down the gutter of time*," as Sterne says.

Did you never see two or three *tobacco-worms* swept along by the little torrent produced by a sudden shower of rain?—swept along, with all their treasures, and crawling out, half drowned, twenty or thirty yards below? Shall our book have a longer race, or we a more honourable catastrophe?

Now, sir, your private ear. I have a sentimental drama (*la comedie larmoyante,*) nearly finished, which will be *quite* finished this spring, or early in the summer. I think tolerably well of it. Green and Twaits, who saw three acts of it in the crude, first draught, augured favourably of it. Judge Tucker, the only other person who has seen it, declared himself highly gratified by the perusal.

The players are anxious to get it from me. I had promised to give it, when finished, to Green's daughter, who, poor girl, perished in the theatre. But, before it leaves my possession, I am determined to submit it, when completed, to you, and to be decided by your judgment entirely as to its fate, because I know you love me too well either to flatter or spare me, where my character for authorship is concerned.

I want to know your opinion now, whether, if the work itself be good, the circumstance of its being a play is likely to do me any injury with the world, either as a man of business or as a man pretending to any dignity of character? On this point, I am dubious. For example;—how would it act on the character of such men as Jefferson, or Madison, or Monroe, or Marshall, or Tazewell, to have it known of them that they had been engaged in so light and idle a business as writing a play? Will you weigh this question thoroughly? At one moment, I think it would let them down; at another, that it would give spirit and relief to the greatness of their characters; that is, supposing the play to have been a very good one.

Talking of authorship, what if I do hold my head high? "Tut—a boy!—Poh, a boy!—pshaw, a mere boy!" So no more.

Our love to you all.

WM. WIRT.

We have not Judge Carr's answer to the questions propounded in the last clause of this letter; but, from the correspondence with

Judge Tucker, to whom the same questions seem to have been addressed—(the letter of Wirt to him has not been preserved)—I am enabled to present my reader with a reply quite worthy of preservation:

"You ask," says the Judge, "how far a discovery that you have entered the dramatic lists may affect your professional character. Belles-lettres and the Muses have been too little cultivated in America, or cultivated with too little success by their votaries to enable us to judge. Trumbull, the author of McFingal, was, I think, a lawyer. That poem rather raised the opinion of his talents. It is entitled, in my opinion, to the first place in estimating the American talent for poetry. Dwight's 'Conquest of Canaan' seems to have advanced him, in his own quarter of the Union, at least. He was young when he wrote it, and he now fills the papal chair of taste and erudition, as well as genius and religion, in New England. Humphreys, the aid of Washington, ventured to display his poetical talent, almost as soon as the war was ended. His pieces were well received; and he has been a foreign minister, or something of the sort. Barlow has come forth in epic poetry, borrowing from Tasso, Milton, and the author of The Lusiad. His character, I think, has not been advanced by it; yet, we now see him as an Envoy abroad. Should he fail in his embassy, I shall not be surprised to hear it said, it might have been predicted from his poem. Burke was too little known and too little reputed for his Bethlehem Gabor (I believe that was the name of his play,) either to raise or lower him. These are all the instances that occur to me where the Muses have been wooed in America by persons of any professional standing. My own apprehension is, that a taste for the belles-lettres, including, under that description, dramatic poetry as well as all others, is very low in America generally. That even though any such production should please for the moment, or continue to please a little longer than a moment, it does not constitute any thing estimable in the public eye, nor advance the author in the public estimation, *but may have the contrary effect.* To apply this to a man of any profession, if the author be a person who has inspired an exalted opinion of his talents, and the poem be given to the world in such a manner as to appear merely as a *jeu d'esprit*, the effusion of a leisure moment, and without any view to profit or emolument, or

as an offering at the shrine of party,—I think, in such a case, the public would regard it favourably, and as an evidence of a variety of genius and talent capable of embellishment beyond the professional walk. If there be nothing in the composition itself below the standard of the previous public opinion of the author's talents, it will be not only well received, but will advance him in the general estimation as a man of happy genius. Such a man will, like Sheridan, win the approbation of those who have taste to admire; and those who want it, will pretend to admire. He, therefore, runs but little risk."

These are the opinions of a competent critic in 1812. We may smile at the sober earnestness of the question and the gravity of the answer. That this should be even a moot point at that day, would seem to argue that, as yet, there was no literary public in the United States; at least, no adequate appreciation of literary talent. That Dr. Johnson might write a tragedy, or Canning delight in witty doggrel, and not lose caste in church or state, we may infer, was a problem to excite the special wonder of the anxious literary adventurers of the generation of 1812. We have seen that Wirt was not to be baulked in the career of his humour by these doubts; for he had already perpetrated some glaring enormities in prose, and was now actually meditating a comedy. This comedy, which it appears he was some two years at work upon, still survives amongst his manuscripts. I find various approbatory comments upon it in the letters of his friends at this period,—especially in those from Judge Tucker. It was called "The Path of Pleasure," but was never published nor played,—from a secret consciousness, I would infer, in the writer, that it might not safely pass the ordeal of public judgment. Wirt was a better critic than his friends; and most likely, upon deliberate review, after the fervour of composition had subsided, came to a determination not to incur the hazard of that disapproval which, in the matter of a theatrical exhibition, is proverbially the most painful of all to which an author can be exposed. Whatever ground there may be to question how far professional success may be able to stand with the repute of elegant scholarship, there can be little room for debate upon the point that no professional man may very safely commit his reputation to the ordeal of facing the authorship of a play that has been damned. I do not say that this would have been the fate of the Path

of Pleasure, if it had been submitted to the trial; but public judgment is very uncertain, and Wirt himself does not seem to have had confidence enough in his production to be willing to challenge a sentence. Dramatic writing is, of all literary composition, the most difficult, and a good comedy is the highest product in this art. We have a dozen respectable tragedies for one comedy of the same grade. To paint character by dialogue, with the requisite brevity, wit, and adaptation to the story, which comedy requires; to avoid exaggeration and caricature, on one hand, and tame, insipid portraiture on the other; to invent a plot whch shall have the requisite variety of incident to give it interest, and yet to evolve it without obscurity or confusion, and to carry it along in the conversation and action to which the stage limits the author, require a kind and degree of talent which is, by no means, necessarily, nor even ordinarily, associated with the powers of the most accomplished writers or speakers. Even poets, and the most skilful novelists,—those who have been most conspicuous for the force, nature and vivacity of their dialogue,—have failed to produce good comedy. Moore and Scott are signal illustrations of this fact, and we might add many others well known to the reader. Whilst it is equally capable of proof that the best dramatic writers, and especially in the department of comedy, have attained to no remarkable distinction in what we might suppose to be the cognate and congenial departments of literature.

That Wirt was restrained by no false notion of dignity from this essay in the dramatic field, we may well believe from all that we have seen of his character. That the public was, at that day, absurdly prejudiced upon this question of the gravity and decorum of professional life, is probable enough. It has been often remarked by foreigners, that in all externals, at least, ours are a grave and even a saturnine people: that there is a certain amount of make-believe and constrained show of what is considered the propriety of place and vocation, apparent in the deportment of our people,—giving to them a thoughtful and reserved demeanour in society, very unlike the free and careless undress of social life in Europe. A secretary of state or a counsellor at law may hardly play at leap-frog with us, without finding hands and eyes upturned at such tomfoolery, and some severe comments touching dignity and its concomitants; whilst European society

would scarce think it worth a comment, except in the way of kindly illustration of the jocund temper which not even the cares of state or the hard study of legal quiddities could subdue. Curran at the head of the Monks of the Screw, and Jeffreys fomenting the waggeries of the Scotch bar, or Napoleon playing a part in private theatricals, are not even yet quite within the conception of the American public and its notions of "dignity." Still less so was it in 1812.

Richmond, perhaps, is entitled to be regarded as less affected by this national quality than most other portions of the country. The community of that city have been rather famous for good-fellowship, and,—what may be said in their commendation,—of a very fair toleration of the eccentricities which belong to the practical exemplification of the adage, "dulce est desipere in loco." The memories of their private associations, and especially at the bar, are rich with good stories and exhibitions of *bonhommie* that have provoked many a laugh without either impairing the "dignity" of the actors, or incurring the rebuke of the rigidly-proper, who there, as well as elsewhere, have found their abode. Amongst these memories, the present generation recount, with an affectionate particularity, the many gambols of the late Chief Justice—one of the best men of the age—and his cronies and associates of the famed Quoit Club, in which it seems to have been a fundamental canon that the oldest and gravest were to submit to a temporary rejuvenation, which was often manifested in the display of the prankishness of boys.

Wirt was not behind his compeers in this temper. I have seen some letters addressed to him as "Φιν loving Wirt," which appellation by no means belied the hilarity of his nature. There were many outbreaks of this temper at the bar, which are yet pleasantly recalled by the fraternity. One of them we have in an anecdote on hand.

Wickham and Hay were trying a cause in the Court at Richmond. Wickham was exceedingly ingenious, subtle, quick in argument, and always on the alert to take and keep the advantage by all logical arts. Hay was not remarkable for guarding all points, and was sometimes easily caught in a dilemma. Wickham had, on this occasion, reduced him to the choice of an alternative in which either side was equally fatal to him. "The gentleman," said he, "may take which ever horn he pleases." Hay was perplexed, and the bar amused. He

was apt to get out of temper and make battle on such occasions, and sometimes indulge in sharp and testy expressions—showing himself a little dangerous. A knowledge of this characteristic added to the sport of the occasion. Mr. Warden, one of the most learned, witty and popular members of this bar,—familiarly known to them as Jock Warden,—for he was a Scotchman, and then an old man,—remarked, in a quiet way, "Take care of him, he has hay upon his horn!" Wirt sitting by, with full appreciation of this classical witticism, forthwith hitched it into verse in the following epigram:

Wickham was tossing Hay in court
On a dilemma's horns for sport,
Jock, rich in wit and Latin too,
Cries, "Habet fœnum in cornu."

The tradition of the bar still preserves this *jeu d'esprit*, in memory of that palmy day of social brotherhood which was, in a thousand other forms, cherished and embellished by Wirt and Warden,*

*This gentleman, Mr. John Warden, is still affectionately remembered at the Richmond bar. He was a man of high accomplishment in general literature and science, as well as in his profession. He had collected a fine library of rare and valuable books, which, being put up at sale after his death, were eagerly sought after and purchased. He was said to be the most homely man, both in face and figure, to be found in the society with which he lived, and his speech was marked by a broad Scotch accent.

During the Revolutionary War, he was once summoned before the House of Delegates of Virginia, to make atonement for some disloyal,—or, perhaps, *too* loyal, for that, I believe, was his offence,—words uttered by him, which had given umbrage to that body. It was the custom, then, in the Virginia Legislature, to exact of offenders against their dignity, an apology to be made, kneeling at the bar of the House. It is difficult now to believe that a custom so absurd and slavish, as well as so degrading to the Legislature itself, should have been tolerated in any of the American States, at so late a period as that of the Declaration of Independence, especially after the reproof it had received in the British Parliament in 1751, in the case of Alexander Murray, and the abolition of it by that body. Still, it was yet in force in Virginia. Mr. Warden was obliged to comply, which he did with an ill grace:—"I humbly beg pardon," he said, in his broadest Doric, "of this honourable House:—and a domned dirty house it is," he added, as he rose slowly and awkwardly, with a surly look, and brushed the dust from his knees.

He was once relating to a circle of friends the gratification he had enjoyed, at a ball in Richmond, in the society of a beautiful woman, a distinguished belle of that time. In attempting to describe her attractions of face and figure, and her gracefulness of motion, he concluded a vivid portraiture which he had drawn, by an attempt at personal illustration which was too

Wickham and Hay and their comrades, who gave a distinctive tone to the society of Richmond, and rendered it, at that day, one of the most attractive cities in the Union.

I have said that the Old Bachelor was not finished until 1813. An interval of eighteen months had passed between the publication of the greater portion of these essays and the last few numbers. The author was getting tired of it, and found a more pleasant occupation in other subjects. He adverts to this in his next letter.

TO JUDGE CARR.

RICHMOND, April 30, 1813.

FRIEND OF MY YOUTH:

* * * * * * *

I admit the justice of your charge as to my scribbling capriciousness, and yet I know that *finis coronat opus*, too. But as the Old Bachelor, there was no *finis* naturally growing out of the scheme. It was endless; each essay being a whole in itself.—I am dispirited, too, by the little effect such things produce. I did not begin that business for fame. I wrote in the hope of doing good, but my essays dropped into the world like stones pitched into a mill-pond; a little report from the first plunge; a ring or two rolling off from the spot; then, in a moment, all smooth and silent as before, and no visible change in the waters to mark that such things had ever been.

Writing on, under such circumstances, was, I confess, a dragging, heavy, nauseous work; and, unless a man write *con amore*, he cannot do it well. As to doing it *doggedly*, I should hold myself a dog to do it,—yea, a very turn-spit. But, as Ritchie desires it, and has gone to some expense about the bauble, I will turn the spit for five or six revolutions more, and then bid the Old Bachelor adieu until I see how the volume takes. If it has a run, I shall have the more spirit to work off another volume, and complete something like a moral and literary scheme,—a whole;—but thereafter as it may be.

As to the *novus hospes*, the *larmoyante*, alias weeper, you have guessed right, in part; but I began that in the view of adapting the characters to the company that was here. One was for Greene, one

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ludicrous to be forgotten. He assumed what he intended to be a gentle and winning expression of countenance, and then, with a sidelong glance of the eye, threw his ungainly figure into an attitude designed to convey the idea of perfect elegance and grace, and said, "to give you some conception of her gesture and her manner, she looked *just so!*" The echo of the laugh that followed this grave effort at representation, has not entirely died away yet.

for his wife, one for Twaits, one for Mrs. Clark, and so on. But when that company was dispersed by the destruction of the theatre, and finally dissolved by their subsequent miscarriages in Charleston, I had the less inclination to carry it on, for I knew that the various parts required the peculiar powers of those for whom they were drawn; and, not knowing into whose hands they might fall, nor, of course, how they might be marred and the author damned, I was in no hurry to purchase such a catastrophe. But Judge Tucker, to whom I showed, in confidence, the acts that were finished, has put up my courage, and I expect to close the affair before the spring is closed.

I shall *expose it* to you in the perfect confidence that you will not let me *expose myself* by making it public, if you see that there is danger in it; and I now begin to fear there is, for I wished to consult Frank Gilmer on some incidents which I thought of introducing, and, to qualify him to judge, gave him the acts that were finished to read. This was about a week ago. He reads a piece of a scene at a sitting, and puts it away to take up a review or a newspaper, or something else of equal importance: all which is, to me, strong proof that there is but little interest in the affair. I do not think very highly of it myself. There are parts of it that please me; but the scenes are not connected with lightness and grace, and in the *toute ensemble*, I fear it is rather ponderous; but of all this you shall judge, and if you barely call it tolerable, I know the rest, and shall abandon it without a blush or a murmur. I am sure that that kind of composition requires not only peculiar talent, but an intimate knowledge of the stage, and a training in dramatic authorship particularly.

"Produce you a comedy equal to Sheridan's!" A pretty requisition, truly! Sheridan's! One of the first, if not the very first comedy in the English language! And the work, too, of a man whose genius is almost unrivalled in the old world, much more in the new! None of your fun,—"*none* of your *comments*, Mr. Carr!" You had better require me, next, to produce such speeches as Erskine's and Curran's, or such legal investigation as Mansfield's and Hardwicke's, or such tragedies as Shakspeare's, or such histories as Robertson's. No, sir! The affair being homespun, would, I thought, pass very well, in these patriotic times, without equalling the European manufacture.

I know that it is superior to *some* English plays of which it is said, in the British theatre, that they were acted at Drury Lane or Covent Garden, as the case may be, with unbounded applause; but as to its equalling the *best* of them, the brat has no such pretensions.

* * * * * *

Your wife's displeasure at my not writing, I *resent* (as Boyle says) with the liveliest gratitude, and I am sincerely obliged to you for leading her to think me of so much consequence.

This is a poor return for your long kind letter; but you are good-natured, and must therefore expect to be imposed on.

We all join in love to you.

Your ever affectionate friend,

WM. WIRT.

The scheme of writing biography was yet kept alive, as a project of future accomplishment. That scheme, as the reader is aware, embraced the purpose of a series of lives of the most eminent Virginians. It ultimately resulted in the production of the volume containing the biography of Henry. The rest of the plan was abandoned. The motives which led to this restriction of the scheme, are most probably those which are suggested in the following letter of Judge Tucker, whom Wirt had frequently consulted on the subject. The Judge, as we have remarked, was a man of letters, of extensive reading and observation, and one who had had many opportunities to become acquainted with the principal personages embraced in the biographical scheme. The letter of Wirt to him upon this occasion, I have not seen. It is probable it was not preserved. But this reply to it, contains some just remarks upon the difficulties belonging to the task in view, and which were doubtless felt by Wirt, in the further contemplation of this scheme, to an extent which induced the abandonment of his purpose.

ST. GEORGE TUCKER TO WM. WIRT.

WILLIAMSBURG, April 4, 1813.

MY DEAR SIR:

* * * * * *

American biography, at least since the conclusion of the peace of 1783, is a subject which promises as little entertainment as any other in the literary world. Our scene of action is so perfectly domestic, as to afford neither novelty nor variety. Even the biographer of Washington has been reproached with imposing upon his readers the history of a nation, instead of the life of an individual. Parson Weems has, indeed, tried to supply the defect; but I never got further than half the first paragraph:—"George Washington, (says that most renowned biographer,) the illustrious founder of the American Nation, was the first son of ——— Washington, by a *second* marriage: a circumstance, (says this profound divine, moralist and biographer,) of itself sufficient to reconcile the scruples of tender consciences upon that subject." I do not pretend that I have given you a literal

transcript of the passage; but, I believe the substance is correct. I shut the book as soon as I had read it, and have no desire to see any more of it.

This leads me to notice that part of your letter which relates to the subject of biography. How would you be able to give any entertainment to your readers, in the Life of Patrick Henry, without the aid of some of his speeches in the General Assembly, in Congress, in Convention, or in the Federal Court? What interest could be excited by his marrying a Miss ———, and afterwards a Miss D ——; and that somebody, whom I will not condescend to name, married one of his daughters, &c., &c., &c. No human being would feel the smallest interest in such a recital; and, I never heard any thing of him, except as connected with the public, that could amuse, for a moment. The same may be said of Lee, Pendleton and Wythe; and the same may be said of every other man, of *real merit*, in Virginia. They have all glided down the current of life so smoothly, (except as public men,) that nobody ever thought of noticing how they lived, or what they did; for, to live and act *like gentlemen*, was a thing once so common in Virginia, that nobody thought of noticing it.

It is clear to my apprehension, that unless a man has been distinguished as an orator, or a soldier, and has left behind him either copies or notes of his speeches, or military exploits, that you can scarcely glean enough out of his private life, though he may have lived beyond his grand climacteric, to fill half a dozen pages, that any body would trouble themselves to read.

I have known several characters, whose conduct, both in public and private life, I have esteemed models of human perfection and excellence: John Blair, General Thomas Nelson, John Page and Beverly Randolph, were men of the most exalted and immaculate virtues. I knew them all well, nay, *intimately;* yet, for the soul of me, I could not write ten pages of either, that would be read by one in fifty. Colonel Innes may be compared to an eagle in the air. You looked up at him with admiration and delight; but, as Solomon says, there are no traces of his exalted and majestic flight left behind. The only shadow of him that remains, is Robertson's *abridgment* of his speech in the Convention of Virginia, in 1788. That may be compared to the sparks which issue from a furnace, which is itself invisible.

I think it much to be regretted, that such men as I have mentioned above should descend to the grave, and be forgotten as soon as the earth is thrown upon their coffins. But so it is, my friend. Literary characters may leave their works behind them, as memorials of what they were; soldiers may obtain a niche in the temple of Fame, by some brilliant exploit; orators, whose speeches have been *preserved*, will be remembered through that medium; judges, whose opinions have been *reported*, may possibly be known to future judges and members of the bar; but the world cares little about them · and if

they leave no *reports*, or meet with no *reporter* to record their opinions, &c., they sink into immediate oblivion. I very much doubt if a single speech of Richard H. Lee's can be produced at this day. Nevertheless, he was the most mellifluous orator that ever I listened to. Who knows any thing of Peyton Randolph, once the most popular man in Virginia, Speaker of the House of Burgesses, and President of Congress, from its first assembling to the day of his death? Who remembers Thompson Mason, esteemed the first lawyer at the bar?—or his brother, George Mason, of whom I have heard Mr. Madison (the present President) say, that he possessed the greatest talents for debate of any man he had ever seen, or heard speak. What is known of Dabney Carr, but that he made the motion for appointing committees of correspondence in 1773? Virginia has produced few men of finer talents, as I have repeatedly heard. I might name a number of others, highly respected and influential men in their day. The delegates to the first Congress, in 1774, were Peyton Randolph, Edmund Pendleton, Patrick Henry, George Washington, Richard H. Lee, Richard Bland and Benjamin Harrison. Jefferson, Wythe and Madison did not come in till afterwards. This alone may show what estimation the former were held in: yet how little is known of one-half of them at this day! The truth is, that Socrates himself would pass unnoticed and forgotten in Virginia, if he were not a *public* character, and some of his speeches preserved in a newspaper: the latter might keep his memory alive for a year or two, but not much longer.

Instead of an attempt at what might be called a biographical account of any of these persons, perhaps a delineation of their characters only, with here and there a speech or an anecdote, might answer. But anecdotes which might entertain, occur so seldom in private life, in Virginia, that they may be truly said to be

"Rari nantes in gurgite vasto."

Upon the whole, I am inclined to think, biography in Virginia would at present be a hopeless undertaking, although a very interesting selection might be made of Virginia worthies, whose general characters deserve to be remembered and transmitted to the latest posterity. But the misfortune is, that few remain among us who have known and marked the outlines which ought to be traced; and still fewer are capable of giving the rudest sketch of them. I have repeatedly wished that my talent lay that way; but, I feel a thorough conviction that it does not. If we lived together, and in a daily intercourse, I could, perhaps, from time to time, recollect enough of such men as I have mentioned, and some others, to enable you to draw an outline of each, which you might fill up at leisure, from your own resources or the communications of others. But were I to take up my pen for that purpose, I should only betray my own incompetency.

You must be tired of this subject, from which I shall turn away to the "Path of Pleasure." I rejoice that you propose to resume it, and make little doubt you will *once more* acquire laurels in it,—or, as a gamester would say—"*throw doublets a second time.*" To be serious, I trust you will resume it, pursue it ardently, and arrive at a speedy and happy conclusion and termination of it. When finished, I beg to be favoured with a sight of it as early as possible, and pledge myself to do my best for a prologue and, possibly, an epilogue too. But I must have the play, itself, with me at the time, to aid my imagination.

* * * * * * *

Believe me ever, most warmly and most sincerely,
Your friend,
S. G. TUCKER.

We have now some pictures of the war—an alarm at Richmond, in this extract from a letter to Mrs. Wirt, who is at Montevideo.

RICHMOND, June 29, 1813.

* * * * * * *

I thank heaven, with heartfelt gratitude, that you have escaped the idle panic into which the city was thrown on yesterday about twelve o'clock. I was at the market-house, attending a common hall—when we were broken up by the violent ringing of the alarm-bell. The first idea that bolted into my mind was, that our old castle was on fire;—but before I had crossed the market-bridge, an alarm cannon was fired on the capitol hill—then another—and another. Here was the complete signal of invasion. The effect was such as you may conceive. The signal was perfectly understood;—every man had to rush with his musket, to the square:—even the "silver greys" [and parson Blair among them] flew to arms. The report ran that the British were at Rocket's—and we had heard from an authentic source, that they had disgraced themselves at Hampton, by excesses more atrocious and horrible than ever before befel a sacked town—of a nature so heart-sickening, that I do not choose to describe them to you:—they even excited the negroes to join them in these brutal excesses. What, think you, must have been the terrors and agonies of the women here, on the report that the same enemy was in their town? Doctor Foushee applied to me for our carriage to take his daughters to William Carter's, in Caroline county, to which I cheerfully agreed. Wagons were moving furniture from all parts of the town!—but I believe no ladies moved—for before they could prepare, the panic was dissipated. McR * * came rushing on the square with a pistol in each hand crying out, "where are they, where are they?" to which the Governor answered, that they were at City Point;—and Mc——

disposed of his pistols as soon as he could. It turned out that the British had ascended the river as high as City Point, which is about ten miles below our works and army at Hood's, that they were slowly ascending the river;—and the regiment thus suddenly called, was dismissed till six o'clock this evening. I thought it not imprudent to get all your plate together, and pack up my books for a travel, if another alarm should take place;—which I did. But we heard no more of the enemy until this morning, when we were informed, by an express, that they had gone back again. Amidst the alarm and uncertainty, however, the Governor and field-officers were clamorous and importunate for a company of flying artillery; and I could not resist their importunities, without submitting myself to the censure of indifference at least. So, I raised a company for the defence of the town and neighbourhood—and a most splendid one it is, amounting to near a hundred picked men. Although convinced that we shall have nothing to do, this same company will prevent my seeing you for some weeks—for my company must be trained and made effective and fit for the field before I ought to leave them.

* * * * * * *

Your affectionate husband,

WM. WIRT.

TO JUDGE CARR.

MONTEVIDEO, Buckingham Co., August 23, 1813.

MY DEAR FRIEND:

Let us waste no time in apologies for not writing. It is enough for you to know that you have lived in my heart's core for seventeen years, and that the roots by which you have taken hold of me, have become stronger with every year.

As a friend, I am not conscious that you have any right to reproach me, except that I am an irregular, and if you please, a lazy correspondent. This is the single blot in my *escutcheon;* and I am not very sure that you do not bear the same reproach, so that this is a new point of congeniality, and, of course, of attraction. If those who have been miserable together, love each other the more on that account, why not those who have been lazy together?

* * * * * * *

You would know what I have been doing this summer? Why, reading newspapers, mustering in the militia, hearing alarm-bells and alarm-guns, and training a company of flying artillery, with whom, in imagination, I have already beaten and captured four or five different British detachments of two or three thousand each. *"Silent leges inter arma"—silent musæ quoque*—unless it be the muse of Tyrtæus, who, as Tom Divers says, is one of those cattle I don't suffer to speak to me.

Talking of Tyrtæus, I never saw his fragments till lately. They are most noble productions; and supposing them to have been sung, accompanied by instrumental music, in an army marching to battle, I believe firmly in the effects which history ascribes to them. The author of the Marseilles Hymn, I suspect, had read Tyrtæus. There is a great analogy in the spirit of the productions: the latter, I have no doubt, was suggested by the former.

I wish you would get the minor poets, which you may do in Winchester, I suppose, and read Tyrtæus. If your Greek is rusty, there is a Latin translation; but in several of the most beautiful passages, it is defective, I think, so far as my little remaining Greek informs me. You will enjoy him, I predict, highly.

You have heard all about our Richmond alarms—"the whole truth," as Pope's witness said, "and more, too."

My wife and children were out of town. They were here; but I was "in the thick of the throng." There was nothing wanting but composure. We should have fought like lions; but from the suddenness and agitation of the alarm, it struck me that we should not fire well, at least for the first two or three rounds. We beat our forefathers, as militia. I mean no disrespect to them whom I so much revere, but the fact is so, and it is very easily accounted for consistently with their honour.

We have breathed, for thirty years, the proud spirit of independence, and in this spirit we begin the war. They, on the contrary, were warring against the habit of subjection, and were fighting against some of the strongest tendencies of their own hearts in fighting against their king. They were crushed, too, by conscious poverty, and the almost entire destitution of all the means of war. We, on the contrary, are rich, and armed *cap a pie*. No wonder, therefore, that we have more confidence, pride and courage

What do you think of young Croghan's defence of Lower Sandusky! He is, by land, exactly what Decatur, Lawrence, Hull and Bainbridge are at sea; the very counterpart of their daring spirits. It is exactly the spirit which Bonaparte displayed at Lodi: and if Croghan's intellect equals his courage, it will only be the want of opportunity which will stop him short of the summit of martial renown.

* * * * * *

My family are all here—in health and spirits. Laura is now writing her Mair's exercise in my study, a room in the third story, about sixty feet from the ground, which opens on the mountains—where I teach my children, and sit and read, and *write rarely*. Writing requires a solitude and self-possession which my children will not allow me.

Laura is reading Virgil. You see I stick to my Latin system. I will try it with her, taking care to leave her time, between this and seventeen, for those accomplishments which she cannot do without.

Robert is delving away at Latin too. He is beginning to parse, which is a thing he hates as bad as Coalter's man did something else.

My twins,—were you to see them playing together on a sheet spread on the floor, so healthy and so sweet.—don't talk, sir!

My wife is in uncommon health, but down-hearted because of the flying-artillery, which she considers a boyish freak, unfit for the father of six unprovided children.

Our love attend you all.

Your friend, as ever, till death.

WM. WIRT.

TO JUDGE CARR.

MONTEVIDEO, October 2, 1813.

MY DEAR FRIEND:

Yours of the 19th ult. overtook me at this place. Agreed,—let us bury the hatchet for past omissions, and do as well as we can hereafter. If we are a little idle or so at times, let it break no squares between us. We have known each other too long and too well, to grow suspicious and captious, and quarrel for straws of etiquette and punctilio.

You say some eloquent things about Croghan and the navy. They are all just, and I echo every sentiment. God speed them! which is as much as they can expect of you and I. Now let us talk of our noble selves—a very interesting subject, about which you have not said more than ten words.

I hear that Lord Hardwicke, Lord Camden and Chancellor Brown, are in danger of a total eclipse! That the decrees at Winchester and Clarksburg have all the rust of legal lore which antiquarians prize so highly, together with the true Ciceronian flow and *nitor*. How is this? Must Coke and Call,* *Peere* Williams and Billy Williams, Raymond and Mumford, all be thrown into the shade, obnubilated, obfuscated and *obruted* for ever and ever! Must Blackstone and Blackburn, Cicero and Shackelford, Mansfield and Magill, be utterly forgotten, pompeized and herculaneized for twenty centuries! Forbid it, *Mercuri facunde*,—forbid it, Apollo, the nine muses and the seven senses! Report me truly on this subject.

Do you really mean to extinguish these comets, to tread out the constellations, lamp-black the milky way, quench the sun, and set the planets at blindman's-buff, that they may rise with unrivalled magni-

* Call, Williams, Mumford, and others here referred to, were gentlemen of the Virginia bar, some of whom had published reports of the Virginia decisions; the others were counsel of note.

ficence on the benighted universe? Give us notice, sir, that we may take our measures accordingly.

And this brings me to speak of the visit made you by Peter and Frank. Would I had been with you! What a time you must have had of it! What three happy fellows! No three happier in the world. To be sure, there have been four, *here*, not far behind you in this particular: for you are to know, that as I passed by Pope's last week, he formed a junction with my caravan, and we arrived at Montevideo on Saturday evening, in high health and spirits. Here, besides the families (Cabell's and mine), we found Frank Gilmer, and we had for four days and nights, what our blacks eloquently call "old laughing."

Pope was in his glory—"fought all his battles o'er again," with triple lustre, "and thrice he slew the slain." In fact, he was very near killing all three of us with laughter, and our wives and children to boot.

He dined one day at Charles Yancey's,—a grave and orderly family. He dropped among them like an unknown waterfowl, and took the Major's mother, an old lady of seventy, so completely by surprise, that he laughed her into an epilepsy. Such a cure for the heart-ache never before existed. "A cure for the heart-ache," you know, is the name of a play.

Apropos—this leads me to speak of mine.——I tried the metal of the piece on —— when I was in Richmond, and found that (to change the metaphor) every key produced the expected note. He cried, laughed, started and gaped with curiosity, just as I intended: so that if he is as good a criterion of the public taste as Moliere's old woman, the piece would certainly take. * * *
If I find that I have the weather-gage of the public, I will give them an annual dose of good morals through this channel.

* * * * * *

We have just received the last Richmond papers. The British parliament prorogued:—no ministers to meet ours in Russia:—the American war to be pressed. Without a glorious campaign this summer by Bonaparte, and the conquest of Canada by us, we shall have no peace this year. O! for an American navy and American Generals! ——

* * * * * * *

But plague on politics and politicians! say I. —— * *

My wife unites with me in love to yourself and Mrs. Carr, and my children also send love to yours. My twins still shine with unrivalled lustre.

May Heaven ever bless and prosper you, and make you as illustrious and happy as my soul wishes you.

Cabell and Frank Gilmer send love piping hot.

Your friend,

Wm. Wirt.

Francis Gilmer was, at this time, an inmate in Wirt's family, and assiduously pursuing the study of the law. I shall hereafter have an opportunity to offer several letters, written to the student by his friend, in the way of advice upon his studies, which will commend themselves to the attention of all who strive to attain the honours of the profession to which these letters refer. The following is the first in this series:

TO FRANCIS W. GILMER.

MONTEVIDEO, November 16, 1813.

MY DEAR FRANCIS:

As, in the bustle of starting, I forgot to shake hands with you, I shall endeavour to offer some atonement for it by giving you the first letter. Had I not been perplexed by the multitude of petty concerns, to which it was necessary for me to attend, I wished to have had some particular conversation with you about the course of your studies; and, more especially, the mode of studying Bacon.

It was understood that you were not only to read all Bacon's references, but to add to them Dallas, Cranch, and the Virginia reporters. There are some British reporters since Gwillim's edition of Bacon that I have; and as, instead of shrinking from labour, you love a task the more for being the more herculean, I would recommend it to you to embrace them in your scheme also.

Whenever the head you are upon involves the subject of pleading, you ought to consult Chitty before you broach Bacon, and learn to draw the plea off-hand, at once. For example,—the first head in Bacon is "Abatement:" The course which we propose is, first, to see what Blackstone says on that subject throughout, which you will easily do by the aid of his index. Consult Tucker's Blackstone, with the editor's notes, to see the changes superinduced by our state law. You will thus have gotten the chart of the coast, at least in outline, and know where you are; next Chitty,—in his first volume you will see his learning on the plea of abatement. In his second, you will see the forms of the plea itself, which you must be able to draw before you lay him down. Thus prepared, you open Bacon, and having read him and his references on the subject, you turn to Bosanquet and Puller, East's Reports, Smith's Reports, Campbell's Reports, Selwyn's Nisi Prius, Espinasse's Reports, — Day's edition, — then the American and Virginia Reports.

In my notes, I would follow Bacon's distribution of the head, and arrange the matter which I collect as he would have done, had he possessed it.

When, for example, you find a case presenting a new principle, —

say, on the subject of "Abatement," as what may be pleaded in abatement,—turn to that division of the head of "Abatement" under which such matter properly comes, and insert the reference there: otherwise, all your own discoveries will come *en masse*, at the end of the head in your note-book, and will be without distribution, order, or light.

You must not read so long at a time, and with so little digestion as to make your head spin, as Lord Mansfield says, nor to fill it with confusion and "aitches" (aches), as Kemble calls it. On the contrary, take your time and see your course clearly; understand the whole ground as you go along, not only geographically, but topographically; keep your books and your route under your eye, as clearly as a general does his army and his line of march; and, like a great general and conqueror, never quit any province you enter, without being able to say, this province is mine, and placing in it an invincible garrison.

The general course is, to gallop over these provinces like travellers in a hurry, and having made one or two remarks, to take it for granted we know all about it,—as Weld, from a single example, pronounces "all the tavern-keepers in this state drunkards, and all their wives scolds." One student, too, as soon as he leaves one of these provinces, having contrived to make his own time very disagreeable in it, as well as very unprofitable, turns about at the boundary line, and making a very profound reverence, says, "I hope never to see you again;" whereas, had he cultivated it properly, he might have made the grounds so profitable and delightful, that it would have been grateful at a future day to return and review them.

I am not one of those who believe in the declension of genius in these latter days.—I believe the paucity of great men, in all ages, has proceeded from the universality of indolence. Indolence is natural to man, and it is only the brave few who can "clear the copse at a bound," break over the magic bourne, and stretch away with "an eye that never winks, and a wing that never tires," into new regions and new worlds; who distinguish themselves from the crowd, and rise to glory that never fades. What kind of men were Littleton, Coke, Bacon, &c.? Think what habits of application they must have had,—what an insatiable appetite for knowledge; not the morbid craving of a day or a week, but the persevering voracity of a long life. Such only are the fellows who climb so high up Fame's obelisk as to write their names where they may strike the eye of distant nations. The many of us who cannot bear the labour of climbing, stand on the ground and stretch up as high as we can: and as this is a paltry business, that depends more on the longest legs and arms than the longest head, it turns out that ——'s name is legible as far as ——'s; and in a very short time they will both be erased by the scrambling herd of their unaspiring successors, who will be as tall as they are,

and will claim their hour of notice, in a world of several leagues in circumference.

You have begun under the happiest auspices,—even set out with a stock of science and information which was not surpassed, I suspect, in the example of Mr. Jefferson, and not equalled in any other; I do not except Tazewell. Now, if you do not keep the advantage you have got, the fault is your own. You may get up among the eminent few, at the top of the obelisk, if you choose; or, if you prefer it, expire among the ephemera at the base. For my own part, independent of the affection which makes me take an interest in you, I have a sort of philosophical curiosity to see what is attainable by man; and I know of no young man so well gifted for the experiment as yourself. The cultivation of eloquence should go hand in hand with your legal studies. I would commit to memory and recite, *a la mode de Garrick*, the finest parts of Shakspeare, to tune the voice, by cultivating all the varieties of its melody, to give the muscles of the face all their motion and expression, and to acquire an habitual ease and gracefulness of gesture and command of the stronger passions of the soul. I would recite my own compositions, and compose them for recitation; I would address my recitations to trees and stones, and falling streams, if I could not get a living audience, and blush not even if I were caught at it. So much for this subject.

* * * * * *

Your friend,

WM. WIRT.

CHAPTER XXI.

1814.

CONTENTMENT.—PROSPEROUS CONDITION.—LETTERS TO CARR.—TO MR. LOMAX.—OPINION OF CICERO.—VIEWS OF THE WAR.—EXTRAVAGANT OPINIONS.—LETTER TO GILMER.—CAMPAIGNING.—INSUBORDINATION OF THE MILITIA.—VISIT TO WASHINGTON.—CONGRESS.—UNFAVOURABLE ASPECT OF AFFAIRS.—MADISON.—WEBSTER.—AVERSION TO PUBLIC LIFE.—ENGAGEMENT IN THE SUPREME COURT.—POSTPONED.

WIRT'S professional position was now securely established, on the same level with the most eminent men of the bar of Virginia. The most difficult and the most dangerous points in the path of his worldly career may be said to have been overcome. The content which

springs from certainty and safety in the affairs of life, was opening broadly upon his household. A numerous family of children was growing up around him. His business was not only profitable, but it was also of a character which rendered it most agreeable to his ambition, by the reputation it brought him, and the scope it gave to a useful and honourable association with the more important individuals and concerns of the society in which he lived. A man becomes aggrandized and strengthened in his place by such connections, as trees whose roots take firmer hold of the soil by the thousand new fibres of a healthful growth.

The natural concomitant of this steady success was a placid and regular life, from which we may not expect much material, just at this time, to give excitement to our narrative. It is in toiling up the steep of fame, that the casualties of human condition, and the adventures which belong to the strife of genius, afford the most animating topics of instruction. The height once gained, the votary's progress is apt to lose the interest of its previous doubtful and anxious struggles, in that period of repose and quiet enjoyment which generally follows successful endeavour as its appropriate reward.

I do not mean to intimate that, at this juncture, the subject of our memoirs had attained a point at which his ambition found nothing further to covet. But he had gained a platform where he rejoiced in disenthralling himself of those misgivings, which we have seen him sometimes disposed to entertain, in the contemplation of his labours to secure an independent position for his family. He felt that his success was assured. He had earned, and was now enjoying, the respect of friends, the consideration of society, the reputation of useful and vigorous talent, and some little celebrity, besides, connected both with forensic and literary eminence. He had health, competence, many of the luxuries and elegancies of life. In short, he had a bright outlook upon the world, which, of itself, is one of the happiest conditions of humanity. Behind him, was the pleasant landscape of many rugged heights traversed and prosperously surmounted. Before him, were eminences rising to the clouds, but with gentler slope and easier way, lightened by a brighter sun, and freshened with a richer verdure. He had limb and nerve to climb them, with a heart as stout as at first.

At this stage of his progress, it is a pleasant duty to lay before my readers that little tissue of his private history, — the history of his thoughts and opinions, rather than of his doings, — which is to be gathered from the light-hearted letters of this time. They deal in small incidents, mostly of a domestic and personal nature, and shed a serene and agreeable light upon his own character, as well as upon that of his friends.

"It is not the habit of my mind," he says, in a letter to Carr, about this time, "to repine at the past. On the contrary, I so far profit by it, as to make it the measure of the future. I look cheerfully forward, and flatter myself I shall yet amass a handsome independence, turn farmer, and, on some fine seat, build a castle and a literary name. 'A castle in the air,' quoth you. Very probably. Yet the illusion is pleasing, and 'Hope,' you know, 'still travels through, nor quits us till we die.' For which companionable temper of hers, I most gratefully thank her Serene Highness, and bid her welcome to my fireside."

TO JUDGE CARR.

RICHMOND, February 15, 1814.

MY DEAR FRIEND:

You have written me such a letter as I have not seen this many a day before. I have just been reading it all the way from the post office, from which it took me half an hour to walk, and I experienced, in reading it, some of the most delicious suffocations that ever touched me. I don't know whether you have enough of the woman in you to understand this expression: if not, so much the better for you, according to Hume. Not that I doubt your sensibility. I know that well: but I don't know that it ever takes you by the throat. Your manhood might rebel at such a liberty; and yet I have seen it make pretty free with your eyes.

The truth is, that your praise gives me more pleasure than that of all the other men in the world put together. I have had such long and intimate experience both of your candour and judgment: I know them both to be of the very first quality. You have had, too, such an opportunity of judging me as no other man alive has had; and when I add to this the tenderness and sincerity of your friendship for me, you may well believe that I speak in the simplicity of my heart, when I say that I would not exchange your good opinion of me, for that of all the great and little men of the nation. Nay, that I should

find ample consolation and refuge in your esteem and affection from the desertion of all the world of men besides.

It is in vain that conscience tells me I do not deserve what you say of me; for immediately I retort on conscience as the sailor did on the man whom he was about to throw overboard, "do you know better than the doctor!" If I were very anxious to convince you of your error, I would tell you that I fear any one but a partial friend would smile at your recital of the evidences of my talents. The British Spy and the Old Bachelor! "Against eight hundred ships in commission, we enter the lists with a three-shilling pamphlet," said John Randolph of Mr. Madison's book on Neutral Rights;—and too surely I fear that, weighed against the great and copious works of a man of genuine talents and resources, the poor little British Spy and the Old Bachelor would sink, (or, rather to keep up the metaphor of weighing, would *rise*) into equal contempt. To tell you the truth, I fancy myself much such a fellow as a late Edinburg review describes Horace Walpole to have been;—that is to say—as having begun life with a most ardent passion for literary fame of the noblest order, but having convinced himself, by two or three experiments, that nature had denied him the qualities which are essential to the composition of a great author, he took it out in gay and frivolous laughter at himself and all other literary pretenders; and found that his talents were at home only in light-hearted raillery. Mine have been only short and sportive excursions, exceedingly light and desultory, and, I fear, exceedingly frothy and flashy. I have written no sustained work; nothing which shows those masterly powers of investigation, of arrangement, of combination, of profound and great thinking, of the character of which I should be proud, and in which alone I should feel any satisfaction. Such a work as Robinson's Charles Vth, for example, or as Tacitus' Annals, or Plutarch's Lives, even, would content me. Is not this modest? By-the-bye, I don't think much of Plutarch's Lives, for the authorship. They owe their celebrity, I suspect, much more to the excellency of the materials than to the workmanship. He seems to me to reverse Ovid's *materiem superabat opus*, and is, in my humble opinion, very much of a dry, babbling, superstitious old woman. You see I am off the track. Well—here I go.

Talking of authorship, I shall send you by Magill to-day, George Hay's work on Expatriation. I want your opinion of it: not for Hay, but for myself. I will not tell you what we think of it here: I mean we, your particular friends. I will only tell you that by men much greater than we pretend to be, it has been cracked up to the stars. Mr. Madison, it is said, has presented several copies of it in great triumph to Jeffries, the master reviewer at Edinburg. Ingersoll, Duponceau, Rush and old John Adams, have eulogized it in the strongest terms. It is making a great noise amongst the political *literati* of the North, and is overshadowing its author with laurels.

Read it with attention. Weigh it with your usual thought and care, and let me have your conscientious opinion of it.

Now turn we to a much more interesting work,—your boy.* How much I am gratified by this incident, I will not, because I cannot, tell you. I learn, too, that it is no sudden freak to give him this name: that your girls have baulked the project many a time before. Had you any superstition, you would think that Providence thus interfered to give you time for consideration. But let us not be given, like Father Shandy, to too close reasoning on small matters. Let me tell you that Mrs. Carr's determination in this affair, is sweeter to me than the oil that was poured on Aaron's head. I love, honour, and you shall obey her. Tell her that the boy shall never have cause to blush for his name, so far as honour is concerned, unless, as you say, "the devil is in it—and then I shall never believe it till it happens." May heaven bless the boy, and make him a halo of glory around his parents' heads! It is, indeed, a dread responsibility which we fathers have. Yours is nothing. To act properly and exemplarily is natural to you. I give you no credit for it. Nature mingled your elements and gave your blood its current. To act wrong would just be as unnatural to you as to act right is to the greater part of the world. But what is to become of such a wayward, undisciplined rabble of spirits and habits as mine; how am I to manage them so as to place a grave, reverend, and patriarchal example before my children? I'll tell you what, sir—as old Mr. J—— used to say, "there's no more chance for me—no—no more than there is for the Pope of Rome,"—for whom, by-the-bye, according to the present posture of affairs in Europe, there seems to be a pretty good chance.

Apropos—(*very apropos* indeed!) what think you of this reverse of Bonaparte's fortunes? "Consuesse enim, Deos immortales, quo gravius homines ex commutatione rerum doleant, quos, pro scelere eorum ulcisci velint his secundiores interdum res et diuturniorem impunitatem concedere." As for Napoleon, I care no more for him, in himself considered, than I do for any other tornado that is past. But will France, drained and exhausted, be able to make head against this northern hive, or will she share the fate of Poland? I am curious to see the character of France in this new situation in which she is placed. How will she regard Bonaparte in eclipse? What will be the result to Europe of this recoiling flood of success? We live in an age of most wonderful events, but they are of a most stern and ferocious character. They have not the interest or magnificence of the Crusades: so much can sentiment do in these matters, and such a grace can chivalry and a generously mistaken christianity shed upon a cause.

* Carr had just named a son after his friend. The next letter, it will be seen, was occasioned by the death of this boy.

What effect will Napoleon's reverse have on us? Some think that Britain will take, if not higher, at least more obstinate ground against us on account of her triumphs. Others, again, think that having gotten the Emperor down, she will be anxious to devote all her powers to his annihilation, and therefore be the better inclined to have peace with us. My own opinion is that she has no notion of giving up any point in the quarrel; that with the latter of those two views she may probably be inclined to a truce, and that she will then negotiate with us, if we will indulge her, till she has tried the issue of her arms on France; but that in any event she will finally persist in the principles and practices against which we are at war.

But what care we for politics—let us talk of our children.

* * * * * * *

The Old Bachelor is not yet at hand. Ritchie announces that he is shortly expected. I will send you a copy by the earliest conveyance. By-the-bye, quere, whether even compositions of this character are not calculated to produce the effect which your brother ascribed to play-writing? I am afraid that both the Old Bachelor and the British Spy will be considered by the world as rather too light and *bagatellish* for a mind pretending either to stability or vigour. I recollect no man of eminence, (I mean political eminence,) either in this or any other modern country, who has descended to such amusements. To tell you the simple truth, politics never appeared to me to be a desirable field, or one for which I was fitted either by nature or habit; and, therefore, I have never squared my course by any such anticipation. But if you are in earnest in your prophecies about me, and in wishing also to see them fulfilled, it is time for me to cast my manners and rules of action over again. "I shall never believe it though, till I see it," as you say on another occasion.

My wife, who has read your letter with as much pleasure as I have done, unites with me in love to you and yours. * * The Governor (meaning Cabell,) and his wife, and Frank Gilmer greet you kindly.

Your friend,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, May 15, 1814

MY DEAR FRIEND:

I received, yesterday, your letter of the 6th instant, giving the distressing account of the loss of your dear boy. It is a rude and dreadful blow. But we are in the hands of a Being who governs the Universe at His pleasure, and whose dispensations, I believe, however deeply they cut at the moment, are always destined to avert some greater calamity. You might have lost him at a more interesting age,

after those chords with which he had begun to take possession of your hearts had become more complete and more strong. You might have lost him under circumstances, and by a mode of death still more heart-rending and distracting. My own sufferings from the death of friends and children have been so severe, that I have sometimes found myself rebelling against the author of all good, and arraigning both his justice and mercy. Parnell's Hermit first put me right on this subject; taught me to regard afflictions themselves "as blessings in disguise," and to kiss the rod with humble resignation. We have nothing else for it, my dear friend, in this life. We can neither stop nor change the course of events, much less can we recall them. To surrender ourselves to unavailing sorrow on account of the dispensations of Providence is, therefore, not the path which either reason or religion would point out to us. To mourn over such a loss as you have experienced, is, indeed, both natural and inevitable; but to permit it to hang upon the heart and to weigh down the mind and spirits, is inconsistent with our duty, both to ourselves and others. You have excellent children, who are still spared to you. You and your wife are both young, and Heaven, I doubt not, will richly supply the place of the cherub who has been taken from you. How apt we are to aggravate our afflictions, by imagining that if we are not the only sufferers in the world, we are certainly the greatest! Alas! where is the man with a family who has not imagined the same thing of himself! You know that I myself lost two of the best children in the world, within a month of each other; one of them, too, a perfect beauty, and in the very age of fascination. My eyes, at this moment, fill at the recollection of that girl: but she is an angel in Heaven, and has escaped from all those sorrows and sufferings which continue to scourge us. God's will be done! Let us submit ourselves to his power, wisdom and goodness, confiding that, in his own good time and way, he will bring good out of evil, and show us that we have mistaken a blessing for a curse.

* * * * * *

My wife begs Mrs. Carr to be assured of her sympathy. We pray God to bless you both.

Farewell,

WM. WIRT.

The next letter has reference to some opinions upon the merits of Cicero's works, which had been disparaged in the British Spy. It is addressed to a friend who resided at Menokin, in Richmond County, on the Rappahannock.

TO JOHN TAYLOR LOMAX.

RICHMOND, July 7, 1814.

MY DEAR LOMAX:

* * * * * *

I would fain apply this recess of the Courts to my law books, and a preparation for the fall and winter campaign; but I have not the courage. And so, having bought at Jock Warden's sale, Verburgius's folio edition of all Cicero's works, I have been brushing up my Latin and have read with great delight, his Orator and his Brutus. But my delight only continues while I have my eyes fixed on Cicero; for the moment I turn them, by way of comparison, on the brightest of our own native models, my heart sinks and dies within me. What children we are, my dear Lomax—what boys, and raw boys too, compared with that wonderful man! I have once wronged him by the publication of an opinion concerning him; but I hope to live to repair the error. Middleton, whose book I have also read since the courts rose, observes, that no man who has ever read Cicero's books on Oratory, will wonder that he has stood unrivalled to the present day; for there never was, he says, and there never will be again, such a union of talents and of toil. If such glory could be carried by a *coup de main*, even at the risk of life, who would not aspire to it? But to be able to effect it only by a siege for life,—and such a siege too,—not one day in every week, but every day devoted, and most enthusiastically devoted, to the pursuit!—it is enough to shake a much more constant man than me. What say you to it! You will say, perhaps, that in these war times I might be better employed than in reading Cicero. But "I deny your hypothesis," as one of Judge Coalter's Scotch-Irish acquaintances replied to a man who had given him the lie. The Legislature have dismantled my flying artillery, by prohibiting the Executive from supplying us with horses and other munitions of war, whereby they have driven me into the ranks of the militia again, and there I stand until the war comes to me.

Oh, for an American General!—What can we do without one, but erect monuments to our own folly and disgrace on the Canadian frontier? Had we a commander worthy of our cause and of our people, the army would be the resort of character and talents, and we might once more "put the British troops to school." As it is—Good Lord deliver us!

They say the hostages are delivered up;—and, I suppose, we shall go on, in the sanguine hope of peace, acting as if that peace had already taken place, till the Philistines be upon us. How far may the designs of England reach? She has just seen France complete the circle of her Revolution by returning to her old allegiance. May she not improve upon the hint in regard to us? and want her American Colonies again, to preserve her balance against those great powers who

have been shaking Europe to its foundations? May not our divisions foster such a project? If she has such a project in her head, although perfectly chimerical, it will tend, I apprehend, to prolong the war, as well as to render it much more obstinate and bloody.

* * * * * *

Your sincere and cordial friend,

WM. WIRT.

The present generation will be amused at these speculations upon the purpose of England, in the war to which they refer. They are worthy of note, as expressing opinions and apprehensions which many seriously entertained in this country, — but which we can scarcely imagine ever found a place in the deliberations of a British cabinet. Between the war of the Revolution and that of 1812, the interval, as it had not obliterated the animosity of the country against England, so, neither had it entirely removed the suspicion of a desire, on the part of our old enemy, to attempt the reconquest of her lost colonies when occasion might seem to favour the enterprise. The vestige of this sentiment left upon the minds of the people, somewhat resembles that connected with the Pretender, whose apparition disturbed the dreams of Englishmen even at the date of the birth of George the Third. The lapse of time between the war of 1812 and the present day, amongst its miracles of national progress, has thrown this fancy of the reconquest,—if any sane man ever indulged it,—into the category of the most harmless of dreams; with even less of the probable in it than that counterpart prophecy, which we have heard in this our own day — "That man is now alive, with a beard upon his chin, who will see an American army reviewed by an American general, in Hyde Park." Let us hope that the guardian genius of the future destiny of two great nations, will keep such "toys of desperation" out of the minds of both; and even confirm them in the virtuous faith, that peace and brotherhood have nobler triumphs than the vulgar glories of war. May their strength never be measured in more destructive contest than that which shall be seen in the rivalry of beneficent acts and the exchange of the physical and intellectual wealth of civilization!

Francis Gilmer had now removed to Winchester, with an intent to commence the practice of the law. He was consigned by Wirt to the special guidance of his friend Carr. The following is an extract from a letter to the young practitioner on this occasion.

TO FRANCIS W. GILMER

RICHMOND, July 13, 1814.

MY DEAR FRANCIS:

I thank you for yours of the 14th, which I have just received. You magnify very much the slight favours which we have had it in our power to render you. Such as they are, they have been most cheerfully rendered; and you have more than counterbalanced them by the pleasure of your society.

* * * * * * *

Your friends are all interested in your making a first-rate figure. Mediocrity will not content us. But this eminence is not to be reached *per saltum;* you will find it pretty much of an Alp-climbing business. The points of the rocks to which you cling will often break in your hands, and give you many a fall and many a bruise. Those who are in possession of the mountain before you, will annoy you not a little and increase the natural difficulties of the passage. But, instead of despairing at the first fall, or at the twentieth, remember the prospect from the summit, and the rich prizes that await you,—wealth, beauty, glory. Above all, do not be disheartened at the high expectations which you know to be entertained of you, or too prompt to despond at your first failures and the slowness of your progress. We all know that it is "a rough roll and tumble" game in which you are engaged, and if you are thrown, (as thrown you will be, again and again,) you must *up* with a laugh, catch a better hold next time, and try it again. Do not calculate on feeling perfectly at your ease in this gymnasium, under two or three years; and these, not two or three years of indolent hanging on, (from which you could learn nothing,) but of daily and arduous exercise and study. You know you have much yet to read, to fill up the outline which we had marked out for your preparatory studies. You must, especially, make yourself intimate with the Virginia reporters, and feel at home in all the cases, so as to have, not only the principles, but the names of the cases ever ready.

You cannot conceive how much the mastery of our State decisions will place you at your ease, and what vantage-ground it will give you, over the generality of your profession. The law is to many, at first and at last too, a dry and revolting study. It is hard and laborious; it is a dark and intricate labyrinth, through which they grope in constant uncertainty and perplexity,—the most painful of all states of mind. But you cannot imagine that this was the case with Lord Mansfield, or with Blackstone, who saw the whole fabric in full daylight in all its proportions and lustre; who were, indeed, the architects that helped to build it up. Although, at present, you walk, *as it were,* through the valley of the shadow of death, yet keep on, and you will

merge into the bright and perfect day; and leaving behind you the ropers, and bats, and moles, you will see the whole system at one glance, and walk like the master of the mansion, at your ease, into ny apartment you choose. O diem præclarem! Then you will handle your tools, not only dexterously but gracefully, like a master workman, and add, yourself, either a portico, a dome, or an attic story o the building, and engrave your name on the marble, Proh spectaculum! But enough, and more than enough, to you who require rather he rein than the spur. I feel great anxiety for you, and am very anxious to hear of your *debut*. Avail yourself of the first favourable opportunity to make it; taking full time for preparation, (but not for pompous preparation, which would ruin you;) and give me an ingenuous account of the whole affair. Remember in your preparations, hat *enucleare* does not signify to mash the kernel, and take out a part—but to take out the whole, neat and clean.

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We all join in love and best wishes to you.

Adieu.

WM. WIRT.

We shall now find some pictures of a militia campaign, in the following extracts from a correspondence with Mrs. Wirt. The enemy had captured Washington on the 24th of August. The British fleet had descended the Potomac River, and was now in the Chesapeake Bay. Its destination remained unknown in Richmond, until the movement on Baltimore became apparent. The failure on Baltimore, on the 12th and 13th of September, animated the hopes of the people living in the vicinity of the Chesapeake, and increased their confidence in their power to repel an attack on any other point. A camp was formed below Richmond, on the York River, at a place known as Warrenigh Church. Wirt was there, a captain of artillery, in command of a battalion.

These extracts supply some incidents of camp life.

WARRENIGH, September 9, 1814.

"Your most seasonable supply, under convoy of our man Randal, came in last evening. The starving Israelites were not more gladdened by the arrival of quails and manna than we were by the salutation of Randal. The fish would have been a superb treat, had there been such an article as a potato in this poverty-stricken land. And yet the parish, according to the old inscriptions, is called 'Bliss-land.'—The church was built in 1709.

"The British fleet are said to have descended the bay, or to be now doing so. There was a seventy-four at the mouth of York River, day before yesterday. She weighed anchor, yesterday, and went up the bay."

September 12.

"Your kindness and thoughtfulness has filled my camp with luxury I fear we shall have no opportunity to become memorable for any thing but our good living—for I begin to believe that the enemy will not attempt Richmond. They are said to have gone up the bay on some enterprise. If they are hardy enough to make an attempt on Baltimore, there is no knowing what they may not attempt. We are training twice a-day, which doesn't well agree with our poor horses. We have a bad camping-ground—on a flat which extends two miles to the river—the water is not good, and the men are sickly. I shall want a tent,—about which Cabell must interest himself. Let the materials be good, and have it made under Pryor's direction."

September 13.

"An express this morning tells us that five square-rigged vessels are at the mouth of York River. It is conjectured that the British fleet is coming down the bay. Their object, of course, is only guess. Their position indicates equally an ascent of York or James River, or an attack on Norfolk, or a movement to sea to intercept Decatur's squadron."

September 16.

"A letter last night from Cabell, with a good tent and some clothes—for which I beg you to thank him."

* * * * * * *

September 19.

"The struggle, I now believe, will be a short one. The invincibles of Wellington are found to be vincible, and are melting away by repeated defeats. The strongest blows they have been striking have been aimed only at the power to dictate a peace. A few more such repulses as they met at Baltimore will extinguish that lofty hope, and we shall have a peace on terms honourable to us.

"We have heard nothing from them since they left Baltimore: so that they cannot be yet coming this way,—and we are at a loss to conjecture what they are at.

"Our volunteers are becoming disorderly for want of an enemy to cope with. Quarrels, arrests, courts-martial, are beginning to abound. I have had several reprimands to pronounce at the head of my company, in compliance with the sentence of the courts. To one of these, James, our man, held the candle—it being dark at the time;—and when I finished and turned round, the black rascal was in a broad grin of delight. I was near laughing myself at so unexpected a spec-

tacle. My men are all anxious to return home:—constant applications for furloughs, in which Colonel Randolph indulges them liberally. At present I have not more than men enough to man two guns. One of my sergeants deserted this morning;—another will be put under arrest presently. So much grumbling about rations,—about the want of clothes,—about their wives,—their business, debts, sick children, &c., &c.,—that if I get through this campaign in good temper, I shall be proof against all the cares of a plantation, even as Cabell depicts them.

"—— I am perpetually interrupted by the complaints of my men. Yet I do well, and, if they leave me men enough, I shall be prepared for a fight in a few days. We expect the enemy somewhere in Virginia, to avenge their discomfiture at Baltimore."

September 26.

"Still at Warrenigh, and less probability of an enemy than ever. We are doing nothing but drilling, firing national salutes for recent victories, listening to the everlasting and growing discontents of the men, and trying their quarrels before courts-martial. I have endeavoured to give satisfaction to my company, so far as I could, compatibly with discipline. My success, I fear, has been limited. In addition to their rations, which have been very good and abundant, I have distributed to the sick, with a liberal hand, the comforts which your kindness had supplied. The company is well provided with tents and cooking utensils, yet they murmur incessantly. Such are volunteer militia when taken from their homes, and put on camp duty. One source of their inquietude is, that they thought they were coming down merely for a fight, and then to return. Being kept on the ground after the expectation of a battle has vanished, and not knowing how long they are to remain—looking every day for their discharge—they are enduring the pain of hope deferred, and manifest their disquiet in every form. Of such men, in such a state of mind, in such a service, I am getting heartily sick.

* * * * * * *

"I was never in better health, and were my men contented, I should be in high spirits. As it is, I shall bear up and discharge my duty with a steady hand. * * * * *
Frank Gilmer, Jefferson Randolph, the Carrs, Upshur, and others, have got tired of waiting for the British, and gone home. David Watson is the only good fellow that remains with us. He is a major, quartered at Abner Tync's,—messes with us,—takes six pinches of snuff to my one, which he thrusts two inches up his bellows nostrils, and smiles at the luxury of the effort. He is an excellent fellow, and has spouted almost all Shakspeare to us. You remember him as a contributor to the Old Bacheler. He, my second captain, Lambert, and my second lieutenant, Dick, make admirable company for me."

September 28.

"The Blues at Montpelier are suffering much from sickness. Murphy, your brother John and his friend Blair are all down. The other companies are almost unofficered—the men very sickly. I strongly suspect that if we are kept much longer hovering over these marshes, our soldiers will fall like the grass that now covers them. We hope to be ordered in a few days to Richmond. It is believed on every hand that the British, with their mutinous and deserting troops, will not attempt a march on Richmond through the many defiles, swamps, thickets and forests that line the road, where, besides the abundant opportunities for desertion, nature has formed so many covers for our riflemen and infantry. * * * * * If we should be ordered to Richmond, I have no idea that my company will be discharged. It will be kept there ready to march at a moment's warning."

Here ends the campaign of Captain Wirt, and with it the last of his military aspirations. This little piece of history is a faithful transcript of some of the most characteristic incidents of militia warfare in nearly all the service of the war of 1812.

"I would not," says the author of this brief diary, in a subsequent letter to Mrs. W., "with my present feelings and opinions, accept of any military commission the United States could confer. * * * I will be a private citizen as long as I can see that, by being so, I shall be of use towards maintaining those who are dependent upon me; holding myself ever ready for my country's call in time of need. * * * * *

"We shall soon see whether Lord Hill, who is expected on the coast with fourteen thousand men, will single out Virginia for his operations. My own impression is that he goes to the relief of Canada, which feels itself in danger from our recent successes there."

Some business for a friend now took him to Washington. It was in October of this year—1814. Congress was in session. The Capitol was in ruins, having been burnt by the enemy in August. The President's house was in the same condition. There were other vestiges of the ravages of the late visitation of General Ross and Admiral Cockburn.

TO MRS. WIRT.

Georgetown, D. C., October 14, 1814.

"Here I am at Crawford's. * * I am surrounded by a vast crowd of Legislators and gentlemen of the Turf, assembled

here for the races which are to commence to-morrow. The races! —amid the ruins and desolation of Washington.

* * * * *

"We reached here on Friday night. On Saturday, after washing off the dust of the journey, I sallied forth to the War Office, my business being with Colonel Monroe. He was not there. I went to look at the ruins of the President's house. The rooms which you saw so richly furnished, exhibited nothing but unroofed naked walls, cracked, defaced and blackened with fire. I cannot tell you what I felt as I walked amongst them. * * From this mournful monument of American imbecility and improvidence, and of British atrocity, I went to the lobby of the House of Representatives,—a miserable little narrow box, in which I was crowded and suffocated for about three hours, in order to see and hear the wise men of the nation. They are no great things. At five, to Monroe's, and was cordially received by him.

* * * * *

"Last night I went to church, and heard a Mr. Inglis of Baltimore, deliver what I should call—not a sermon—but a very elegant oration in a theatrical style. The composition was rich, but I thought out of place; his manner still more so. * * *

"P—— and I called on the President. He looks miserably shattered and wo-begone. In short, he looked heart-broken. His mind is full of the New England sedition. He introduced the subject, and continued to press it,—painful as it obviously was to him. I denied the probability, even the *possibility* that the yeomanry of the North could be induced to place themselves under the power and protection of England, and diverted the conversation to another topic; but he took the first opportunity to return to it, and convinced me that his heart and mind were painfully full of the subject.

"The arrival of a despatch gave us an opportunity to retire. He invited us to dine with him, but we declined, having planned an excursion to Bladensburg, and, perhaps, Baltimore. * *
We then went to the War Office. The Secretary kept me engaged in political conversation till four o'clock. By this detention, I lost a speech of the celebrated Webster, which I would not have lost for all the Secretary's eloquence. To-day, I go in the hope of hearing Pickering,—having declined the Bladensburg trip, in consequence of the importance of the debate. Tell Cabell to prepare for the tax: the direct tax will certainly be increased one hundred per cent. *
* A hundred thousand regulars, and from twenty to thirty thousand provisional troops will be raised for defensive and offensive war. The war in Canada will be pushed with vigour. War between France and England is expected by the high powers here;—on what grounds I have not learned."

This visit to the city of Washington was the commencement of a long and intimate connection with affairs, both professional and political, on that theatre. Wirt was now about to become a practitioner in the Supreme Court. In a letter to Carr, dated Richmond, 10th of December, he refers to an engagement which may possibly bring him into a trial of strength with one whom he afterwards met in many a contest, and whose name at that day gave to the American bar its most brilliant light. This trial did not take place as soon as expected, but was deferred for another year. In the extract from this letter, which follows, we may see that the writer's mind has been touched by some presage of a connection with public life.

"Government, my friend, is but an up-hill work at best; and not least, perhaps, this elective government of ours, where the public good is the last thing thought of by the Legislator—his own re-election being the first. What a stormy life is this of the politician! What hardness of nerve, what firmness of mind and steadiness of purpose does it require to sit composedly at the helm, and ably at the same time! Give me a life of literary ease! This is, perhaps, an ignoble wish; but it is, still, mine. Let those who enjoy public life ride in the whirlwind! I covet not their honours,—*although, if necessary, I would not shrink from the duty.*

I have some expectation of going to Washington in February, to plead a cause. The preliminaries are not quite settled. Should they be so to my satisfaction, will you meet me there? I shall be opposed to the Attorney-General, and, perhaps, to PINKNEY. 'The blood more stirs to rouse the lion than to hunt the hare.' I should like to meet them."

Mr. Pinkney had resigned the post of Attorney-General after holding it about two years, and was succeeded, in February 1814, by Mr. Rush. We may note in the closing aspiration of this last extract, as a curious coincidence, that this wish is breathed by one who was destined to become the Attorney-General, and whose ambition was to meet in debate the combined powers of one who had been, and another who was then, the occupant of that high post in the Government.

CHAPTER XXII.

1815—1816.

VISITS WASHINGTON TO ATTEND THE COURT.—RETURNS.—PEACE RESTORED BY THE TREATY OF GHENT.—LETTER TO GILMER.—RESUMES THE BIOGRAPHY OF HENRY.—DIFFICULTIES OF THIS WORK.—SCANTINESS OF MATERIAL.—THE AUTHOR WEARY OF IT.—LETTER TO CARR ON THE SUBJECT.—DABNEY CARR THE ELDER.—THE ORIGIN OF THE CONTINENTAL CONGRESS.—PETER CARR.—LETTERS TO CARR AND GILMER.—GEORGE HAY RESIGNS THE POST OF DISTRICT ATTORNEY.—WIRT RECOMMENDS UPSHUR TO THE PRESIDENT.—MODERATION OF POLITICAL FEELING.—MR. MADISON APPOINTS WIRT TO THE OFFICE.—CORRESPONDENCE IN REFERENCE TO THIS APPOINTMENT.—MAKES HIS DEBUT IN THE SUPREME COURT.—ENCOUNTERS PINKNEY.—HIS OPINION OF PINKNEY.—LETTER TO GILMER.—LETTER TO CARR ON "THE PATH OF PLEASURE," AND HIS OPINION OF THIS DRAMATIC ATTEMPT.—CORRESPONDENCE WITH MR. JEFFERSON ON THE SUBJECT OF THE BIOGRAPHY.—LETTER TO RICHARD MORRIS.

WIRT repaired to Washington soon after the date of the last letter. It seems, however, that the opportunity for his debut in the Supreme Court was postponed. He remained a few weeks at the capital, amused with the scenes it presented to him, and employing his time in extending his acquaintance with public men.

Early in 1815, peace was restored by the Treaty of Ghent, and a universal joy filled the heart of the country. Every one thought of getting "back to busy life again"—happy that the stagnation to industry, the waste of war and all the disorders of interrupted peace were to give place to the orderly pursuit of personal interests. Wirt shared in this sentiment as warmly as any one, and betook himself with fresh ardour to his customary labours.

We have here, another letter of professional admonition to his young friend.

TO FRANCIS W. GILMER.

RICHMOND, July 23, 1815.

MY DEAR FRANCIS:

We thank you for your affectionate favour of the 17th, from Albemarle. Providence, I believe, is ordering every thing for the best for you. I do not know that we have much occasion to regret the disappointment of this trip of yours to Europe. Our friend Coalter is vociferous against it — and let me tell you, that his judgment is as solid as his native mountains, and moreover, that he takes a strong interest in your prosperity. You lose by it, imagination? Create Dr. Johnson's ideal rival of perfection in the view of European models; but can you not supply them by your own mind, and compete with it? The which ideal rival is only Cicero's *aliquid immensum*, &c. You are to bear in mind, that we all have our eyes and our hopes upon you. You are to remember that glory is not that easy kind of inheritance which the law will cast upon you, without any effort of your own; but that you are to work for it and fight for it, with the patient perseverance of a Hercules. You are also to bear in mind, that the friends who know and love you, and acknowledge your talents, are not the world. That in regard to the world, upon which you are entering, you are unknown; that with them you have to make your way, as a perfect stranger. And that it is not by the display of your general science, that the herd is to be caught; but by the dexterity with which you handle your professional tools, and the power which you evince to serve your clients in your trade. Now, the law depends on such a system of unnatural reasoning, that your natural reasoning, however strong, will not serve the turn. It is true, that when you once understand this artificial foundation, your natural reason will avail you much in applying it, and measuring your superstructure.

But, in the first place, you must read, sir: — You must read and meditate, like a Conestoga horse,—no disparagement to the horse by the simile. You must read like Jefferson, and speak like Henry. If you ask me how you are to do this, *I* cannot tell you, but you are nevertheless to do it. There is one thing which I believe I have not mentioned to you, more than about five hundred times, which you are constantly to attend to—and in this *you must* respect my advice and follow it: let your debut be a decisive one!!! Don't make your first appearance in a trifling case. Get yourself, either by a fee or voluntarily, into the most important cause that is to be tried in Winchester, at the fall term. Let it be such a cause as will ensure you a throng of hearers:—master the cause in all its points, of fact and law; digest a profound, comprehensive, simple, and glowing speech for the occa-

sion—not strained beyond the occasion, nor beyond the capacity of your audience;—and make upon the world the impression of strength, of vigour, of great energy, combined with a fluent, animated, nervous elocution; no puerile, out-of-the-way, far-fetched, or pedantic ornaments or illustrations, but *simple*, *strong*, and *manly—level yourself* to *the capacity* of *your hearers*, and insinuate yourself among the heart-strings, the bones and marrow, both of your jury and back-bar hearers. I say jury—because I fear that a chancery cause, although it affords the best means of preparation, will give you no audience at all; and I want you to blow your first blast, before a full concourse, both loud and *shrill*:—and hereof, I think, gentle reader, this little taste may suffice.

Your notions of your indulgence in general science, are correct. Don't quit them—but let them be subordinate to the law. By-the-way, there is one thing I had liked to have forgotten. One of the most dignified traits in the character of Henry, is the noble decorum with which he debated, and uniform and marked respect with which he treated his adversaries. I am a little afraid of you in this particular; for you are a wit, and a satirist—God help you! Take care, take care, take care of this propensity. It will make you enemies, pull a bee-hive on your head, and cover your forensic path with stings and venom. I pray you, aim at masking yourself with Henry's distinguished character for decorum. Let it be universally agreed, that you are the most polite, gentlemanly debater at the bar. That alone will give you a distinction—and a noble one too; besides it is a striking index, and proper concomitant of first-rate talents.

Don't forget your promise in regard to Mr. Jefferson, and the gallery of portraits. * * * *

Continue to write to me. Heaven bless you.

WM. WIRT.

At this time the biography of Henry was resumed, with a stout resolve to bring it to a conclusion. We have abundant evidence that this had already grown to be a most irksome labour.

The following letter to Carr playfully presents the difficulties of this undertaking, and shows how reluctantly Wirt struggled with his task. It contains also an allusion to Dabney Carr, the father of his friend, and the compatriot of Henry; a gentleman most favourably known in the short legislative career to which we have heretofore adverted, and whose early death had blighted the promise of a fair renown.

Mr. James Webster, of Philadelphia, to whom also this letter has a reference, was already engaged as the publisher of the forthcoming

volume, and had made some announcements of it to the public, which, it will be seen, had served to augment the author's disrelish of his enterprise.

TO JUDGE CARR.

RICHMOND, August 20, 1815.

MY DEAR FRIEND:

* * * * * *

Now for Patrick Henry. I have delved on to my one hundred and seventh page; up-hill all the way, and heavy work, I promise you; and a heavy and unleavened lump I fear me it will be, work it as I may. I can tell you, sir, that it is much the most oppressive literary enterprise that ever I embarked in, and I begin to apprehend that I shall never debark from it without "rattling ropes and rending sails." I write in a storm, and a worse tempest, I fear will follow its publication. Let me give you some idea of my difficulties. Imprimis, then,—I always thought that Bozzy ranted, in complaining so heavily of the infinite difficulty and trouble which he had to encounter in fixing accurately the dates of trivial facts; but I now know by woful experience that Bozzy was right. And, in addition to the dates, I have the facts themselves to collect. I thought I had them all ready cut and dry, and sat down with all my statements of correspondents spread out before me; a pile of old journals on my right, and another of old newspapers on my left, thinking that I had nothing else to do but, as Lingo says, "to saddle Pegasus and ride up Parnassus." Such short-sightedness is there in "all the schemes o' mice and men:" for I found, at every turn of Henry's life, that I had to stop and let fly a volley of letters over the State, in all directions, to collect dates and explanations, and try to reconcile contradictions. Meantime, until they arrived, "I kept sowing on."

In the next place, this same business of stating facts with rigid precision, not one jot more or less than the truth—what the deuce has a lawyer to do with truth! To tell you one truth, however, I find that it is entirely a new business to me, and I am proportionately awkward at it; for after I have gotten the facts accurately, they are then to be narrated happily; and the style of narrative, fettered by a scrupulous regard to real facts, is to me the most difficult in the world. It is like attempting to run, tied up in a bag. My pen wants perpetually to career and frolic it away. But it must not be. I must move like Sterne's mule over the plains of Languedoc, "as slow as foot can fall," and that, too, without one vintage frolic with Nanette on the green, or even the relief of a mulberry-tree to stop and take a pinch of snuff at. I was very sensible, when I began, that I was not in the narrative gait. I tried it over and over again, almost as often as Gibbon did to hit the key-note, and without his success. I deter-

mined, therefore, to move forward, in hopes that my palfrey would get broke by degrees, and learn, by-and-bye, to obey the slightest touch of the snaffle. But I am now, as I said, in my hundred and seventh page, which, by an accurate computation, on the principles of Cocker, taking twenty-four sheets to the quire, and four pages to each sheet, you will find to exceed a quire by eleven. And yet am I as far to seek, as ever, for the lightsome, lucid, simple graces of narrative. You may think this affectation, if you please, or you may think it jest; but the dying confession of a felon under the gallows (no disparagement to him!) is not more true, nor much more mortifying.

Tertio: The incidents of Mr. Henry's life are extremely monotonous. It is all speaking, speaking, speaking. 'Tis true he could talk:—"Gods! how he *could* talk!" but there is no acting "the while." From the bar to the legislature, and from the legislature to the bar, his peregrinations resembled, a good deal, those of some one, I forget whom,—perhaps some of our friend Tristram's characters, "from the kitchen to the parlour, and from the parlour to the kitchen." And then, to make the matter worse, from 1763 to 1789, covering all the bloom and pride of his life, not one of his speeches lives in print, writing or memory. All that is told me is, that, on such and such an occasion he made a distinguished speech. Now to keep saying this over, and over, and over again, without being able to give any account of what the speech was,—why, sir, what is it but a vast, open, sun-burnt field without one spot of shade or verdure? My soul is weary of it, and the days have come in which I can say that I have no pleasure in them. I have sometimes a notion of trying the plan of Botta, who has written an account of the American war, and made speeches himself for his prominent characters, imitating, in this, the historians of Greece and Rome; but I think with Polybius, that this is making too free with the sanctity of history. Besides, Henry's eloquence was all so completely *sui generis* as to be inimitable by any other: and to make *my* chance of imitating him still worse, I never saw or heard him. Even the speeches published in the debates of the Virginia convention are affirmed by all my correspondents, not to be his, but to fall far short of his strength and beauty. Yet, in spite of all this monotony and destitution of materials, we have a fellow coming out in the Analectic Magazine, or the Baltimore Commercial Advertiser, I forget which,—for both have been at it,—exciting the public expectation on this very ground, among others, of the copiousness and variety of the materials within my reach! Those puffs mean me well, but I could wish them a little more judgment.

Again: there are some ugly traits in H.'s character, and some pretty nearly as ugly blanks. He was a blank military commander, a blank governor, and a blank politician, in all those useful points which depend on composition and detail. In short, it is, verily, as hopeless a subject as man could well desire. I have dug around it,

and applied all the plaster of Paris that I could command; but the fig-tree is still barren, and every bud upon it indicates death instead of life. "Then, surely, you mean to give it up?" *On the contrary,* I assure you, sir: I have stept in so deep that I am determined, like Macbeth, to go on, though Henry, like Duncan, should bawl out to me, "Sleep no more!" I do not mean that I am determined to publish. No, sir; unless I can mould it into a grace, and breathe into it a spirit which I have never yet been able to do, it shall never see the light; Mr. Webster's proposals to the contrary notwithstanding. But what I have determined upon is to go on as rapidly as I can to embody all the facts: then, reviewing the whole, to lay it off into sections, by epochs, on Middleton's plan; and, taking up the first section, to make a last and dying effort upon it *per se.* If I fail, I surrender my sword: if otherwise, I shall go forth, section after section, conquering and to conquer. And if the public forgive me this time, I will promise never to make a similar experiment on their good-nature again.

With regard to your father (Dabney Carr), I had predetermined to interweave the fact you mention. Judge Tucker has furnished me the incident. "It was at this time, February, 1772," says the Judge, "that Mr. Carr made a motion to appoint standing *committees of correspondence* with the other colonies, on the subject of the act of Parliament imposing duties on glass, oil and painters' colours." The appointment of committees of safety took place in 1775, after the organization of the old Congress, to which, you say, your father's motion led. In regard to the committees of correspondence with the other colonies, Judge Marshall gives Massachusetts the credit of the invention; though, I suspect, what Massachusetts did invent,—judging from Marshall's note 10, cited page 149 of his second volume,—was nothing more than town committees within that colony,* and that the credit of committees of correspondence, connecting the Colonies, really belongs to Virginia. I shall communicate with Marshall on this subject, and wish *you* would do so with Mr. Jefferson. I should myself write to this latter gentleman, but I have already written to him so often and so much, in the course of my troubles with Patrick, that I am really ashamed to annoy him farther, though I have much and frequent occasion for it.

I wish I knew something more specifically of your father's cast of character, in order that I might take this opportunity of giving him

* This point, upon further investigation, was settled in the establishment of an equal claim on the part of the two States to the origination of the committees. In the Life of Henry, page 37, the author asserts in a note: "The measures were so nearly coeval in the two States, as to have rendered it impossible that either could have borrowed it from the other. The messengers who bore the propositions from the two States are said to have crossed each other on the way."

the best *niche* that my poor jaded pen could form. I have only a general impression that he was much such a man as it is easy to conceive your brother Peter* would have been, had his industry and enterprise been equal to his genius. Open, noble, magnanimous; bold, ardent, and eloquent; with a mind rather strong than acute; rather comprehensive and solid in his views than remarkable for subtilty of discrimination; disposed and qualified to lay hold of and plant himself on great principles, rather than to run divisions among minutiæ; with an understanding highly cultivated, a rich imagination, a refined and classical taste, a full and melodious voice, and a copious command of the most pure and nervous language. If this would be saying too much or too little, let me be corrected, for I have set out with the purpose of telling the truth, the *whole* truth, and *nothing but the truth*, at least in this book; though I should be very unwilling that the world should know how awkward I am at it, and how much pain I have in the delivery, for they would certainly discover that it is my first operation of the kind; nor should I be astonished if some rascally reviewer should make just this very remark; which, being true, would be no joke at all to me, and might make every body else laugh except "Mr. Callender's counsel."

* * * * * *

Webster vexes me not a little by the style of his proposals, tacking to my name, "Author of the British Spy." His motive is obvious enough; but the world will consider it as my act, and think it a vanity,—which I abhor. Again, he adds, in his proposals to the Life of Henry, "together with several of his speeches." Now his only authority for this is that I told him I had once seen Henry's "speech on the British debts" in manuscript, taken by a stenographer, and

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* Peter Carr, here alluded to, and whose character is portrayed in such terms of discriminate praise, was the eldest brother, as we have seen, of the Judge. He had died but a few months before this date. There is a touching allusion to this event in a letter to Judge Carr, written almost immediately after it.

"His soul, I hope, is happier even than it was on earth. It is among the articles of my creed that he is an unseen witness of our sorrow for his loss. Nothing remains for us, my dear friend, but to remember him, to love him, and to gratify his spirit, if it be conscious of what passes on earth, by drawing closer in our affections for each other. Some one friend or other is continually dropping from us; and this must be the case while we remain in this state of being. Let us, then, who are permitted to survive, endeavour to repair these heart-rending losses, by loving each other more dearly, and clinging more closely together.

"I am not a misanthrope; yet, I fear, it is not often that we shall meet with men worthy to succeed, in our affections, to those whom we have lost, or to become partners in that friendship which binds the few survivors together."

might, perhaps, be able to get it again. He will disappoint the public in this particular.

Hark ye,—does not Fame depend on the *multitude* of readers and approvers? I mean literary fame. And if so, what kind of works, on what kind of subjects, give a man the fairest chance for this aforesaid fame?

Now, put on your considering-cap, and get upon your wool-sack. I ask again, now that you are seated, and your "head like a smoke-jack," what kind of writings embrace the widest circle of readers, and bid the fairest to flourish in never-fading bloom? Answer: Well-written works of imagination. If you say political works, count the readers of Locke and Sidney, and compare them with those of Shakspeare, Milton, Dryden, and Pope. If you choose to come down to the present day, compare the readers of Hamilton and Madison with those of Walter Scott and Lord Byron. If you choose to institute the comparison between grave history and the lighter works of imagination, you will find ten to one in favour of the latter. Robertson's Charles Fifth, for example, and Tristram Shandy.

I am not speaking of the grade or quality of this fame, but of the spread, the propagation and continuity of the article. "But I would rather have a small quantity of the first grade than a large quantity of the second." Perhaps you would. All I shall say about it is, *de gustibus non est disputandum. I* would rather have a thousand dollars in bank-notes, earned by innocent pleasure, than a hundred guineas in gold, procured by marshing and ditching.

Besides, as to the grade itself, I am not quite so clear that the man of whom it was truly said,

> "Each change of many-coloured life he drew,
> Exhausted worlds, and then imagined new,"

does not deserve a fame as high and rich as the man who relates successfully the crimes of nations, or disentangles ever so dexterously the political skein. This being the case, suppose a man to write for fame, what course should he take? What says the chancellor? More especially if the writer be so encumbered by a profession as to have only a few transient snatches of leisure which he can devote to literary pursuits. You see what I am driving at, I presume,—and "therefore there needs no more to be said here."

* * * * * * *

We unite cordially in love.

Yours, ever,

WM. WIRT.

TO FRANCIS W. GILMER.

RICHMOND, August 29, 1815.

MY DEAR FRANCIS:

I received last night your letter of the 15th inst., announcing your arrival at Winchester, and thank you for this early attention to my anxiety for your welfare. We have you at last fairly pitted on the arena, — stripped, oiled, your joints all lubricated — your muscles braced—your nerves strung; and I hope, that ere long we shall hear you have taken the victim bull by the horn, with your left hand,

> ——————— durosque reducta
> Libravit dextra media inter cornua cæstus
> Arduus, effractoque illisit in ossa cerebro.
> Sternitur, exanimisque tremens procumbit humi bos.

I perceive that you are going to work, pell-mell, *nec mora, nec requies:*—that's your sort—give it to them thicker and faster!

> Nunc dextra ingeminans citus, nunc ille sinistra.

It is this glow and enthusiasm of enterprise that is to carry you to the stars. But then bear in mind, that it is a long journey to the stars, and that they are not to be reached *per saltum.* "Perseverando Vinces," ought to be your motto—and you should write it in the first page of every book in your library. Ours is not a profession, in which a man gets along by a hop, step, and a jump. It is the steady march of a heavy armed legionary soldier. This armour you have yet, in a great measure, to gain; to learn how to put it on; to wear it without fatigue; to fight in it with ease, and use every piece of it to the best advantage. I am against your extending your practice, therefore, to too many courts, in the beginning. I would not wish you to plunge into an extensive practice at once. It will break up your reading, and prevent you from preparing properly for that higher theatre which you ought always to keep intently in your mind's eye.

For two or three years, you must read, sir—read—read—delve—meditate—study—and make the whole mine of the law your own. For two or three years, I had much rather that your appearances should be rare and splendid, than frequent, light and vapid, like those of the young country practitioners about you.

* * * * * * *

Let me use the privilege of my age and experience to give you a few hints, which, now that you are beginning the practice, you may find not useless.

1. Adopt a system of life, as to business and exercise; and never deviate from it, except so far as you may be occasionally forced by imperious and uncontrollable circumstances.

2. Live in your office; i. e., be always seen in it except at the hours of eating or exercise.

3. Answer all letters as soon as they are received; you know not how many heart-aches it may save you. Then fold neatly, endorse neatly, and file away neatly, alphabetically, and by the year, all the letters so received. Let your letters on business be short, and keep copies of them.

4. Put every law paper in its place, as soon as received; and let no scrap of paper be seen lying for a moment, on your writing chair or tables. This will strike the eye of every man of business who enters.

5. Keep regular accounts of every cent of income and expenditure, and file your receipts neatly, alphabetically, and by the month, or at least by the year.

6. Be patient with your foolish clients, and hear all their tedious circumlocution and repetitions with calm and kind attention; cross-examine and sift them, 'till you know all the strength and weakness of their cause, and take notes of it at once whenever you can do so.

7. File your bills in Chancery at the moment of ordering the suit, and while your client is yet with you to correct your statement of his case; also prepare every declaration the moment the suit is ordered, and have it ready to file.

8. Cultivate a simple style of speaking, so as to be able to inject the strongest thought into the weakest capacity. You will never be a good jury lawyer without this faculty.

9. Never attempt to be grand and magnificent before common tribunals;—and the most you will address are common. The neglect of this principle of common sense has ruined —— with all men of sense.

10. Keep your Latin and Greek, and science, to yourself, and to that very small circle which they may suit. The mean and envious world will never forgive you your knowledge, if you make it too public. It will require the most unceasing urbanity and habitual gentleness of manners, almost to humility, to make your superior attainments tolerable to your associates.

11. Enter with warmth and kindness into the interesting concerns of others—whether you care much for them or not;—not with the condescension of a superior, but with the tenderness and simplicity of an equal. It is this benevolent trait which makes —— and —— such universal favourites—and, more than any thing else, has smoothed my own path of life, and strewed it with flowers.

12. Be never flurried in speaking, but learn to assume the exterior of composure and self-collectedness, whatever riot and confusion may be within; speak slowly, firmly, distinctly, and mark your periods by proper pauses, and a steady significant look:—"Trick!" True,—but a good trick, and a sensible trick.

You talk of complimenting your adversaries. Take care of your *manner* of doing this. Let it be humble and sincere, and not as if you thought it was in your power to give them importance by your *fiat*. You see how natural it is for old men to preach, and how much easier to preach than to practise. Yet you must not slight my sermons, for I wish you to be much greater than I ever was or can hope to be. Our friend Carr will tell you that my maxims are all sound. Practise them, and I will warrant your success. You have more science and literature than I;—but I know a good deal more of the world and of life, and it will be much cheaper for you to profit by my experience and miscarriages than by your own. Nothing is so apt to tincture the manners of a young man with hauteur, and with a cold and disdainful indifference towards others, as conscious superiority; and nothing is so fatal to his progress through life, as such a tincture: witness ——. My friend —— himself, is not without some ill effect from it; and since you must feel this superiority, I cannot be without fear of its usual effects.

You must not suppose because I give you precepts on particular subjects, that I have observed you deficient in these respects; on the contrary, it is only by way of prevention; and whether my precepts are necessary to you or not, you are too well assured of my affection to take them otherwise than in good part. Farewell—my letters shall not all be lectures.

Yours affectionately,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, January 12, 1816.

MY EVER DEAR FRIEND:

* * * * * *

I have, indeed, had a tough spell through the latter part of the fall. It was the effect, I believe, of a very severe cold, which I feared, at one time, had fallen on my lungs, from the ugly and obstinate cough which attended it; and there were times, I confess, when the apprehension of being taken from my family just when my toils and plans seemed ripening to a harvest of independence for them, depressed me rather more than became a philosopher or a Christian,—which, however much I wish, I fear I shall never approach nearer, than a few transient aspirations.

* * * * * * *

As for Patrick,—he is the very toughest subject that I ever coped withal. If I have any knack at all in writing, it is in copying after nature: not merely in drawing known characters, but in painting the images in my own mind, and the feelings of my heart. In this walk, I have occasionally succeeded almost to my own entire satisfaction.

But Patrick was altogether *terra incognita* to me. I had never seen him; and the portraits of him which had been furnished me were so various and contradictory as to seem to confound rather than inform me. Hence I have never been able to embody him. My imagination found no resting place throughout the whole work; but from beginning to end, fluttered like Noah's dove over a dreary waste of waters, without spying even a floating leaf of *olive*, much less of *laurel*. What I wrote without satisfaction, it is reasonable to conclude will be read in the same way. Disappointed myself, I am very certain that I shall disappoint others. But this conclusion has now become familiar to me, and the pain is over. You are wrong, be assured, my dearest friend, in supposing that this work will redound more to my fame than any thing I have ever written. It is not every subject on which a man can succeed:—"*ex quovis ligno*," you know.—If I am not mistaken, this subject would have been found impracticable to any one; that is, nothing great could have been made of it in narrative. A panegyric, and a splendid one, too, of a dozen pages might be written on it, but the detail must be trivial if the incidents be truly told. In truth, I hate excessively to be trammelled in writing, by matter of fact. Don't be so mischievous as to mistake me. I mean that my habit of composition has always been to draw only from my own stores, with my fancy and my heart both as free as the winds. Reined in by the necessity of detailing stubborn facts, I find that the gaits of my Pegasus are all to be formed anew; for he trots, prances and gallops altogether in the same period. If you do not understand me now, you must wait till I can borrow an exposition from Philosopher Ogilvie. But before we dismiss Patrick finally, you will find in the Port Folio for December, an extract from my biography, furnished at the desire of Hall, the editor, and you will see in that extract what has been thought by several, who have read the manuscript, one of the happiest passages if not the happiest passage, in my book, from which you will judge of the *miserability* of the rest.

No, the work is not in the press. It shall not go until I can get leisure to file off some of its asperities. I wish to heaven, you could see it!—and it shall go hard, but you shall, before it passes to the press; for I am in no hurry to be damned.

The candid and sensible reader will, indeed, as you say, allow for the subject; but of the thousands of readers on whom fame depends, how many are there, think you, who are sensible and candid? how many will there be, predisposed to dash my thimblefull of reputation from my lips? But enough of this—for if I keep prating about it, I shall confirm you in the conjecture that it is preying on my spirits. I give you my word that I have not said or thought so much about it for two months, as I have since I began to scribble this letter.

* * * * * *

I am now, sir, in full and high health; not quite indeed so brim-

ful of expectation as I was when you first knew me, about twenty years ago, but still with a reasonable appetite for the good things of the world. Disappointed indeed, as to some of my calculations of happiness, yet by no means disposed to cry out with Solomon, "all is vanity and vexation of spirit." If Solomon had had such a wife and children, and such friends as I have, he would have changed his note. His exclamation upon the vanity of all sublunary things, has always struck me rather as the sentiment of a cloyed and sated debauchee, than that of a contemplative philosopher. What vanity or vexation of spirit is there in the temperate indulgence of our affections; in the love-beam that plays upon me from the eyes of my wife; in the untutored caresses of my beloved children; in these tender inquiries from the best of friends which lie before me; or in this tear, which the consciousness of these purest of earthly possessions calls into my eyes? If on subjects of this sort Solomon was wise, let me remain a fool. What say you?

* * * * * *

My wife and children unite with me in love to your fire-side.

If you know what heartfelt pleasure your letters afford me, and enjoy the leisure which I hope you do, you would write to me soon and often.

May God bless you and make you happy!

Your friend in life and in death,

WM. WIRT.

About this time George Hay, the attorney of the United States for the Richmond district, resigned his post. Amongst several gentlemen of Virginia whose names were submitted to Mr. Madison for the appointment to this office, was that of one who subsequently attained to high distinction in the public councils, and whose death acquired a most painful celebrity by its association with the melancholy accident on board of the Princeton — Abel P. Upshur. He had studied law under the direction of Wirt, who now presented him to the President, in terms suggested by the highest appreciation of his talents, and by a strong personal friendship. This incident is only worthy of notice here, so far as Mr. Wirt's letter, on the occasion, affords us an insight to the abated temper of partisan feeling which had already begun to be manifested, and which was an index to that calm and appeased political sentiment which prevailed in the administration of public affairs for some years succeeding this event. After speaking the language of the warmest praise on the merits of his friend, he adds,—"It is proper for me to state that he is a Federal-

ist,"—but to qualify this draw-back, he continues—"he justified the late war with Great Britain, and was among the volunteers who marched to York Town to meet the enemy.——

* * "I am entirely certain that no differences of political sentiment would ever swerve him from his duty, or abate, in the smallest degree, the zeal proper for its discharge. *How far, in the present condition of the country, his political creed ought to operate as a bar to his appointment, or whether its tendency would not rather be to soothe the exasperation of party, and promote the coalescence which is so desirable on every account, and of which we have such promising omens, it is not for me to decide.* I submit the proposition with great deference, and rely upon your usual indulgence to excuse this liberty."

This letter to Mr. Madison was written on the 10th of March, 1816. The writer of it was a little surprised to find, by a letter from Mr. Madison to him, dated on the 13th, that the subject had been already settled by the selection of himself for the appointment. It was an event altogether unlooked for, and equally undesired. Coming upon him in this unexpected way, and with expressions of the kindest personal interest from the President, the appointment somewhat embarrassed him; but, after deliberating, he thought it his duty to accept it.

In communicating this determination to the President, he says, in a letter of the 23d of March,—"I beg you to believe me unaffectedly sincere in declaring that there is nothing in the office which excites any solicitude, on my part, to possess it; and that I feel myself much more highly honoured by the terms in which you were so good as to make the inquiry, than I should by the possession of the office itself. So far am I, indeed, from being solicitous to possess it, that I assure you, with the frankness which I hope our long acquaintance warrants, your bestowing it on any one of the many gentlemen of my profession in this State who are, at least, equally entitled to it, and stand, perhaps, in greater need of it, will not, in the smallest degree, mortify me nor diminish the respect and affection with which I am and ever have been your friend."

It was but a few weeks before the date of these letters, that Wirt had argued his cause in the Supreme Court, and had "broken a lance with Pinkney,"—as he himself described it.

These two gentlemen had here commenced an acquaintance, which was afterwards illustrated by many passages of dialectic and forensic skill in a course of eager competition and constant association in the same forum. No one was more prompt to do justice to Pinkney's extraordinary abilities, after the best opportunities to observe them, than Wirt. His mature opinion of his great competitor was freely expressed, and well known in the circle in which they both moved. But Wirt's first impressions of him, derived from this trial, are singularly variant from those which a more intimate acquaintance afterwards gave him. We have a letter to Gilmer, soon after this first encounter, which presents a picture of Pinkney, far from flattering. Pinkney was, at that time, in the zenith of his fame. He was the chief object of interest in the Supreme Court, and the most prominent subject of popular criticism. No man ever drew forth a larger share of mingled applause and censure, or was visited with more exaggerated extremes of opinion. While one class of observers saw in his oratory nothing short of the most perfect of forensic accomplishment; another could scarcely find merit enough in his best endeavours to rescue them from the utter condemnation to which they alleged his dogmatism, false taste and frigid affectations entitled them. Impartial and judicious estimate of his power and acquirements seems rarely to have been accorded to him.

We may ascribe these conflicting judgments to some peculiarities in Pinkney's character and position. At the bar, his port towards those who occupied the most eminent station was antagonistical and defiant. He waged with all such an unceasing war for supremacy. He gave no ground himself, and asked no favours. His courtesy in this arena was a mere formula, and rather suggested conflict than avoided it. His manner was alert and guarded, his brow severe, his civilities short and measured, like a swordsman in the theatre when the "noble art of defence" drew crowds together to witness the trials of skill. All this portion of the bar, constituting a most intelligent and critical auditory, were the fastidious and unsparing witnesses of his fame, and often spoke of him, in no mitigated terms of exception to whatever defect of taste or judgment they were able to detect. Opposed to these were the younger members of the profession, not yet within the pale of rivalry, to whom Pinkney was habitually

courteous and kind. It seemed to be a cherished object of his to win the good-will of this class of his professional associates. He was to them the pleasant companion, full of condescensions and small civilities. He noticed their progress, praised their efforts, instructed, encouraged them, and almost invariably enlisted them in the support of his own renown. He was an eager sportsman in the field, untiring in a day's work with his gun; an excellent shot, and studiously learned in all the technicals of this craft. This gave him acceptance and favour amongst another circle. He was profuse and splendid in his mode of living, utterly careless of expense, munificent and ostentatious. He was popular as a political champion, and rendered good service to his cause in some noted contests in Maryland, in which he was accustomed to meet the most effective champions of a party distinguished for its talents and intelligence. He had acquired a high standing in the country for his diplomatic service, which had elevated him, in public opinion, both at home and abroad. He had served with conspicuous success as the Attorney-General of the United States, in the administration of Mr. Madison. He was a zealous and ardent supporter of the war; had taken a commission from the Executive of Maryland, and commanded a rifle-battalion at the time of the invasion of the capital, and shared in the disaster at Bladensburg, where he was wounded in the fight. All these circumstances combined to draw upon him a large portion of public observation, and to attract, on one side, as much exaggerated praise, as, on another, to expose him to the virulence of partisan antipathy, or to the invidious reflection of personal rivalry and dislike.

Pinkney's first accost raised an unfavourable prepossession in Wirt's mind against him, as will be seen in the following letter, from which I make some extracts; premising, what I have already hinted to the reader, that these opinions were greatly modified when the writer of this letter had more full opportunity to witness and appreciate the power of his opponent. We may regard the present comments as expressing the disappointment of one who had formed his judgment of oratory in an entirely different school from that of which he was now furnished a specimen. Nothing could be more diverse than the distinctive characters of the eloquence of Pinkney and Wirt. The slow consent of one to admit the eminent claim of the other, was but a *natural* reluctance of opinion.

TO FRANCIS W. GILMER.

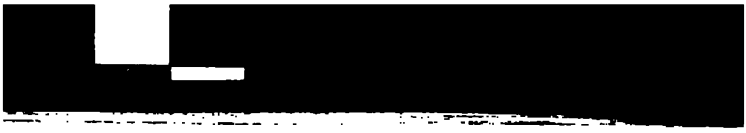
RICHMOND, April 1, 1816

MY DEAR FRANCIS:

* * * * * *

"I wish I had been trained to industry and method in the counting-room of a Scotch merchant from the age of twelve, and whipped out of those lazy and sauntering habits which fastened upon me about that age, and have held "the fee-simple of the bark" ever since. Your truly great man does more business, and has more leisure and more peace of conscience, and more positive happiness, than any forty of your *mediocre* persons. This is humiliating to me, and I don't like to think of it. But, do you profit by it, and habituate yourself to the practice of Mr. Jefferson's system. * * Make the axle glow with the ardour of your exercise, and the anvil ring with the vigour of your preparation. Teach these boys, as Pinkney said he would do, 'a new style of speaking.' But let it be a better one than his; I mean his solemn style, to which, in Irish phrase, I give the back of my hand. If that be a good style, then all the models, both ancient and modern, which we have been accustomed to contemplate as truly great,—such as Crassus, Antony, Cicero, the prolocutors of the Dialogue 'De Causis corruptæ eloquentiæ,' Chatham, Henry, and others,—not forgetting 'Paul Jones and old Charon,'—are all pretenders. I know that this is not your opinion. But I was near him five or six weeks, and watched him narrowly. He has nothing of the rapid and unerring analysis of Marshall, but he has, in lieu of it, a dogmatizing absoluteness of manner which passes with the million,—which, by-the-bye, includes many more than we should at first suspect,—for an evidence of power; and he has acquired with those around him a sort of papal infallibility. That manner is a piece of acting: it is artificial, as you may see by the wandering of his eye, and is as far removed from the composed confidence of enlightened certainty as it is from natural modesty. Socrates confessed that all the knowledge he had been able to acquire seemed only to convince him that he knew nothing. This frankness is one of the most characteristic traits of a great mind. Pinkney would make you believe that he knows every thing. ——

"At the bar he is despotic, and cares as little for his colleagues or adversaries as if they were men of wood. He has certainly much the advantage of any of them in forensic show. Give him time—and he requires not much—and he will deliver a speech which any man might be proud to claim. You will have good materials, very well put together, and clothed in a costume as magnificent as that of Louis XIV.; But you will have a vast quantity of false fire, besides a vehemence of intonation for which you see nothing to account in the cha-



racter of the thought. His arguments, when I heard him, were such as would have occurred to any good mind of the profession. It was his mode of introducing, dressing and incorporating them, which constituted their chief value—'materiem superabit opus.' * * * * In the cause in which we were engaged against each other, there never was a case more hopeless of eloquence since the world began. It was a mere question between the representatives of a dead collector and a living one, as to the distribution of the penalty of an embargo bond:—whether the representatives of the deceased collector, who had performed all the duties and recovered the judgment, or the living collector, who came in about the time the money was paid by the defendant into court, and had, therefore, done none of the duties, was entitled to the award. I was for the representatives of the deceased collector—Pinkney for the living one. You perceive that his client was a mere harpy, who had no merits whatever to plead. There were ladies present—and Pinkney was expected to be eloquent at all events. So, the mode he adopted was to get into his tragical tone in discussing the construction of an act of Congress. Closing his speech in this solemn tone, he took his seat, saying to me, with a smile—'that will do for the ladies.' * * * He is certainly not of the olden school."

As a counterpart to this, we have a criticism of himself in the same cause, in a letter to Carr; with some comment, besides, on his dramatic experiment, in regard to which his friend had shown himself a rather partial judge.

TO JUDGE CARR.

RICHMOND, April 7, 1816.

And can you, my beloved friend, who have known the very bottom and core of my heart so long and so intimately,—who have had a home in that heart for twenty years, suspect for one moment, any decay of my affection for you? No! I cannot believe it possible. Indeed, the very tone of this letter, which I have just received from you, assures me of the reverse, notwithstanding some half-insinuations to the contrary. The truth is, if I had been satisfied with my own figure at Washington, you would have heard from me on the spot; but I was most dissatisfied. And good reason I had to be so—for it was a mean and sneaking figure I made in that cause;—and your friends either deceive you from kindness, or have been deceived themselves. I was never more displeased with any speech I have made since I commenced practice. Having once argued the cause here, to my satisfaction, I relied upon my notes for recalling every topic to my mind; and this the more especially, as the Court of Appeals held

me under the lash to the very moment of my departure. But behold, when I was about to set out, my notes were nowhere to be found. My only hope then was that I should be able to recall the arguments by meditation in the stage; and I determined to be very sour, sulky and silent to my fellow-passengers, that I might abstract myself from them and have an opportunity of study; but this, you know, is not in my nature—and so I reached Alexandria without one idea upon the subject. My consolation then was, that I should have one day in Washington before the cause came on,—and to effect this, I left Alexandria when the stage arrived, at about ten o'clock on Tuesday night, and went to Washington that night. I got to McQueen's about eleven. In two minutes after, Dr. F. came in, so delighted to see me, that I could not find it in my heart to resist his earnest desire that I would sit with him and have a talk, because he had much to say to me of deep import to himself, and had been longing for my arrival, that he might unbosom himself to me. He thus kept me up till two o'clock.

Immediately after breakfast I retired to my room, borrowed the acts of Congress, on which my cause arose, and had just seated myself to study, when several of my warm-hearted friends rushed into my room and held me engaged 'till court hour. So it was again in the evening; and so, on Thursday morning. In this hopeless situation I went to court to try the tug of war with the renowned Pinkney. When I thought of my situation,—of the theatre on which I was now to appear for the first time, the expectation which I was told was excited, and saw the assembled multitude of ladies and gentlemen from every quarter of the Union, you may guess my feelings. Had I been prepared, how should I have gloried in that theatre, that concourse, and that adversary! As it was, my dear wife and children, and your features, look, and sympathetic voice and friendly inquietude, came over me like evil spirits. To be sure, these considerations gave me a sort of desperate, ferocious, bandit-like resolution: but what is mere *brute* resolution with a totally denuded intellect? I gave, indeed, some hits which produced a visible and animating effect; but my courage sank, and I suppose my manner fell, under the conscious imbecility of my argument. I was comforted, however, by finding that Pinkney mended the matter very little, if at all.

Had the cause been to argue over again on the next day, I could have shivered him; for his discussion revived all my forgotten topics, and, as I lay in my bed on the following morning, arguments poured themselves out before me as from a cornucopia. I should have wept at the consideration of what I had lost, if I had not prevented it by leaping out of bed and beginning to sing and dance like a maniac,—to the great diversion of F., who little suspected what was passing in my mind.

This is all true. I know you will abuse me for it, but it is true still; and I had rather be abused than to deceive you.

I must somehow or other contrive to get another cause in that court, that I may show them I can do better. I should like to practise there. For although you say, you believe I do not know my own strength, you will change that opinion when I tell you I am not afraid of any man on that *arena*, — not even of the Chevalier Pinkney, whom I would at any time rather encounter than Tazewell. Pinkney has, for the while, debauched the public taste by a false manner, just as Quin and his coadjutors of the old stage did, according to Cumberland's account. The misfortune is, that there is no Garrick at Washington to raise the standard of nature. As to myself, I know that I have no pretensions to oratory. My manner, never carefully formed, has become too unalterably fixed to be improved at my time of life. Besides, I have not the off-hand fertility of thought, the prompt fecundity of invention, and the extemporaneous bloom of imagination, which are all essential to the orator. But I say again that, *with full preparation*, I should not be afraid of a comparison with Pinkney, *at any point*, before genuine judges of correct debate. Now think me over-modest, if you can.

I regret extremely that the time of session of our Court of Appeals disables me from attending the Supreme Court: but if our Court adopt a plan which they talk of,—that is, of having a summer and fall session,—I will try my luck at Washington as soon as I can get a cause or two, by way of commencement. So much for this great affair. * * * * *

I protest against your measuring me by the standard of Sheridan. He was a diamond wit, not only of the first water, but of the highest polish. He had the advantage of a constant attendance at the first theatre in Europe, where he saw the public taste tried by every variety of application. Compared with his, my opportunities are those of a back-woods' bear-hunter, measured with those of the courtly Wickham. I am about as fit to rival Sheridan as a bat a towering eagle. I foresaw, from your frequent mention of Sheridan, what your mind was running on. If you have looked for his invention of comic incidents, his percussion and re-percussion of sprightly and brilliant dialogues, his delicate and varied tints of wit and humour, his splendid flashes of fancy, you have been unreasonable, and are therefore justly punished by disappointment.

* * * * * * *

I need not tell you how sincerely I rejoice in the brilliancy of Frank's debut. The plainness of his manner, in particular, charms me. I was a little afraid he would be too fond of the pomp of expression though I never doubted that experience and his own sound judgment would correct the error. That he should have gone off right, is, therefore, so much the more pleasing. He is a fine fellow, and born, I hope, to redeem the eloquence of the State. * *

Your friend,

L WM. WIRT

The biography was now approaching its completion. The author was manifestly disheartened by his work. His letters to his intimate friends are full of distrust upon the merits of his performance. He seems to have indulged this sentiment so far as almost to meditate the abandonment of the publication of the book. The counsel of Mr. Jefferson and others, cheered him, revived his confidence, and finally settled the point of committing the volume to the public.

The following letters upon this subject, furnish some curious passages in literary history.

TO THOMAS JEFFERSON.

RICHMOND, August 24, 1816.

DEAR SIR:

I accept, with gratitude, the terms on which you are willing to remark on my manuscript; and send, herewith, three sections, ninety-one pages.

There will be an advertisement prefixed to it, stating the authorities on which the narrative is founded, and appealing to the candour and indulgence of the public on account of the peculiar disadvantages under which the work has been written.

This, I confess, is a kind of beggarly business which I abhor very much; but I can still less bear to have it believed that the work is the offspring of profound leisure, and a mind at ease; when the truth is that no one sheet of it, scarcely, has been written without half a dozen professional interruptions, which have routed my ideas as completely, each time, as Don Quixote's charge did the flock of sheep. I make no doubt you will perceive the chasms caused by these interruptions, and the incoherence, as well as crudeness, of the whole mass.

When I was engaging with Webster, last summer, with respect to the publication, I refused expressly to bind myself to furnish it at any particular period,—foreseeing the extreme uncertainty as to the time of its completion, from the interference of professional duties, and wishing to reserve to myself, also, full leisure, to revise, correct, and retrench at pleasure. But he has made such an appeal to my humanity, on account of the expensiveness of the materials which he has laid in for the publication, and his inability to remain longer without some reimbursement, that I am much disposed to let the work go, in its present general form, if you think it can be done without too much sacrifice.

What I mean is, that I think the whole work might be *recast* to advantage. But then, it must be written *wholly anew*, which would ill suit Webster's alleged situation: my disposition, therefore, is to

let *the form* of the work remain, connecting the composition, statements, &c., where it shall be suggested and thought proper.

If you think the publication of the work, will do me an injury with the public, I beg you to tell me so, without any fear of wounding my feelings. I am so far from being in love with it myself, that I should be glad of a decent retreat from the undertaking. I confide implicitly in your frankness and friendship,—and beg you to believe me, dear sir, with the greatest respect and affection,

Your friend and servant,

WM. WIRT.

THOMAS JEFFERSON TO WILLIAM WIRT.

MONTICELLO, September 4, 1816.

DEAR SIR:

I have read, with great delight, the portion of the history of Mr. Henry which you have been so kind as to favour me with, and which is now returned. And I can say, from my own knowledge of the contemporary characters introduced into the canvass, that you have given them quite as much lustre as themselves would have asked. The exactness, too, of your details has, in several instances, corrected the errors in my own recollections, where they had begun to falter.

In result, I scarcely find anything needing revisal; yet, to show you that I have scrupulously sought occasions of animadversion, I will particularize the following passages, which I noted as I read them.

Page 11: I think this passage had better be moderated. That Mr. Henry read Livy through once a year is a known impossibility with those who knew him. He may have read him *once*, and some general history of Greece; but certainly not twice. A first reading of a book he could accomplish sometimes and on some subjects, but never a second. He knew well the geography of his own country, but certainly never made any other his study. So, as to our ancient charters; he had probably read those in Stith's history; but no man ever more undervalued chartered titles than himself. He drew all natural rights from a purer source—the feelings of his own breast. * * * * * * *

He never, in conversation or debate, mentioned a hero, a worthy, or a fact in Greek or Roman history, but so vaguely and loosely as to leave room to back out, if he found he had blundered.

The study and learning ascribed to him, in this passage, would be inconsistent with the excellent and just picture given of his indolence through the rest of the work.

Page 33, line 4: Inquire further into the fact alleged that Henry was counsel for Littlepage. I am much persuaded he was counsel for Dandridge. There was great personal antipathy between him and *Littlepage*, and the closest intimacy with Dandridge, who was his

near neighbour, in whose house he was at home as one of the family, who was his earliest and greatest admirer and patron, and whose daughter became, afterwards, his second wife.

It was in his house that, during a course of Christmas festivities, I first became acquainted with Mr. Henry. This, it is true, is but presumptive evidence, and may be over-ruled by direct proof. But I am confident he could never have undertaken any case against Dandridge; considering the union of their bosoms, it would have been a great crime.* * * * * * * *

Accept the assurance of my constant friendship and respect.

TH. JEFFERSON.

In a reply to this letter, Wirt, in sending Mr. Jefferson some additional portions of the book, remarks:—

"I can tell you, with very great sincerity, that you have removed a mountain-load of despondency from my mind, by the assurance that you could find entertainment in these sheets. * *

"I entreat you not to spare your remarks on account of the defacement of the manuscript. I had rather commence it *de novo* than lose the advantage of your freest criticisms. If you think the narrative too wire-drawn, or the style too turgid—points about which I have, myself, strong fears—I depend on your friendship to tell me so. Much better will it be to learn it from you, in time to correct it, than from the malignity of reviewers, when it shall be too late."

Some weeks after this, he wrote the following:

WILLIAM WIRT TO THOMAS JEFFERSON.

RICHMOND, October 23, 1816.

DEAR SIR:

I now submit to you the last sheets of my Sketches of Mr. Henry, which I am sorry to find more numerous than I expected; and I pray you to forgive the great trouble which I am sincerely ashamed of having imposed on you.

Your remarks have been of great service to me, not only by enabling me to correct mistakes in fact, but by putting me on a severe inquisition of my style, which, I am perfectly aware, is too prone to exuberance.

I am afraid that the whole plan is too loose, and the narrative too diffuse. Has it struck you in this light, and do you think it would gain, in point of animation and interest, by retrenchment and compression?

* There were other corrections, of minor errors, suggested in this letter which are omitted.

I have another question to ask, to which I entreat an unreserved answer; and I hope you think too well of my understanding to suppose that I shall be hurt by the answer, whatever it may be. Would you, as a friend, advise me to publish this book, or not?

It has been written under circumstances so extremely disadvantageous, amid such perpetual interruptions arising from my profession —at almost every step, too, *invita minerva*,—and I peruse it myself with so little satisfaction, that I am seriously apprehensive it may make shipwreck of what little reputation I possess as a writer.

I am not obliged to publish; and I shall be governed, on this head, by the advice of my friends, who must, from the nature of things, be much better qualified to judge of the subject than I am. They, I hope and believe, think too justly of me to withhold the expression of their opinions from motives of delicacy.

Your repose shall never be endangered by any act of mine, if I can help it. Immediately on the receipt of your last letter, and before the manuscript had met any other eye, I wrote over again the whole passage relative to the first Congress, omitting the marks of quotation, and removing your name altogether from the communication.

If there be any other passage for which I have quoted you, and which you think may provoke the strictures of malice or envy, I beg that you will be so good as to suggest it. I am conscious of having made a very free use of your communications. It was natural for me to seek to give this value to my work. But it would be most painful to me to be, in any manner, instrumental in subjecting you to the renewed attacks of your political enemies. It is not enough for me that you despise these attacks: I have no right, much less have I the disposition, to make this call upon your fortitude. And, besides, the shaft which cannot reach you, never fails to wound and irritate your friends. This was one of the leading causes which made me anxious to submit my manuscript to you *first*.

Quere.—Have I not quoted some passages from you, of which the descendants of our landed aristocracy may take it into their heads to complain?

This did not occur to me till Mr. William H. Cabell (than whom you have not a warmer friend) made the suggestion. I have great dependence on his judgment; and if the matter occurs to you in the same light, I will send up again the sheets which contain those quotations, and get the favour of you to alter them to your own taste.

You will perceive that I have borne very lightly on the errors of Mr. Henry's declining years. He did as much good in his better days; and no evils have resulted from his later aberrations. Will not his biographer, then, be excusable in drawing the veil over them, and holding up the brighter side of his character, only, to imitation?

Most respectfully and affectionately,

Your friend and servant,

WM. WIRT.

THOMAS JEFFERSON TO WILLIAM WIRT.

POPLAR FOREST, November 12, 1816.

DEAR SIR:

Yours of October 23d, was received here on the 31st, with the last sheets of your work.

They found me engaged in a business which could not be postponed, and have therefore been detained longer than I wished.

On the subject of our ancient aristocracy, I believe I have said nothing which all who knew them will not confirm, and which their reasonable descendants may not learn from every quarter. It was the effect of the large accumulation of property under the law of entails.

The suppression of entails reduced the spirit of the rich, while the increased influence given by the new government to the people, raised theirs, and brought things to their present level, from a condition which the present generation, who have not seen it, can scarcely believe or conceive.

You ask if I think your work would be the better of retrenchment? By no means. I have seen nothing in it which could be retrenched but to disadvantage. And again, whether, as a friend, I would advise its publication? On that question, I have no hesitation —on your own acccount, as well as that of the public. To the latter, it will be valuable; and honourable to yourself.

You must expect to be criticised; and, by a former letter I see you expect it. By the Quarterly Reviewers you will be hacked and hewed, with tomahawk and scalping-knife. Those of Edinburgh, with the same anti-American prejudices, but sometimes considering us as allies against their administration, will do it more decently.

They will assume, as a model for biography, the familiar manner of Plutarch, or scanty matter of Nepos, and try you, perhaps, by these tests. But they can only prove that your style is different from theirs; not that it is not good.

I have always very much despised the artificial canons of criticism. When I have read a work in prose or poetry, or seen a painting, a statue, etc., I have only asked myself whether it gives me pleasure, whether it is animating, interesting, attaching? If it is, it is good for these reasons. On these grounds you will be safe. Those who take up your book, will find they cannot lay it down; and this will be its best criticism.

You have certainly practised vigorously the precept of "de mortuis nil nisi bonum." This presents a very difficult question,—whether one only or both sides of the medal should be presented. It constitutes, perhaps, the distinction between panegyric and history. On this, opinions are much divided—and, perhaps, may be so on this feature of your work. On the whole, however, you have nothing to fear; at least, if my views are not very different from the common. And no

one will see its appearance with more pleasure than myself, as no one can, with more truth, give you assurances of great respect and affectionate attachment.

TH. JEFFERSON.

I close this chapter with two letters, in part referring to the biography. The first is to Mr. Pope; the other to an esteemed friend in Hanover county, whose taste and accomplishments rendered him a most competent critic upon the subjects to which it refers. They both give us an insight into the author's apprehension of the perils to which he was about to expose himself by the publication of his book.

TO WILLIAM POPE.

RICHMOND, September 24, 1816.

MY DEAR FRIEND:

Although over my head in business, I cannot receive, in silence, your affectionate letter of the 12th. I have been hitherto very ungrateful,—in appearance, though not in feeling and in fact,—for those effusions of friendship with which you have honoured me by mail; but I have relied on your indulgence and forgiveness, knowing as you do how my head is kept spinning by the multiplicity and variety of my engagements; and I have relied, too, on your knowledge of the true state of my sentiments towards you, to prevent any unfriendly conclusions from apparent neglect. For you know that *my affections* can never neglect you; you know that of all the mortals I have ever encountered in this pilgrimage, you are "the Israelite without guile," and the tenant of my heart's core; so why should we say more upon this subject?

I am extremely gratified by the pleasure you express, in reading those pages of my manuscript. I am dashing on, and hope to close my toils before the 10th of next month. Many a weary league have I travelled with old Patrick. I wish my readers may be willing to travel after me; for, in truth, "I don't think it clever, much;" and if they are only half as much fatigued in reading as I have been in writing it, adieu to Lochaber!—"Othello's occupation's gone!" As for you and Bullock and Clarke, (for Clarke has been here, too, with swimming eyes,) you are all so partial to the subject and the writer, that there is no forming any conclusions as to the probable opinion of the world, from your feelings. "In this *cold* world of ours," as the song goes, I must expect a very different reception,—captious criticism and a predisposition to find fault. But the die will soon be finally cast, and we shall know our fate with certainty. As to J. T, I shall do my duty, and let him do his worst. Patrick shall have justice, if I can give it to him, let who will be offended,—and after that, "the hardest must fend off."

I wish I could accompany you to see the two generals:—they are

both favourites with me,—but I must decline all visiting for this fall. Business first, and then pleasure, is my maxim. And this same biography has encroached so much on my professional duties, that I shall be hard put to it to bring up the lee-way. But as to our trips to Norfolk and Washington, I shall call upon you to keep your promise when the time comes. I wish I may not then find you "a fairy promiser of joy." If we live till next fall, and all is well, I hope we shall be able to make out a visit to our friend Dabney Carr in Winchester. What say you to that? Think of the grandeur of the mountains, and the fertility of the valleys, and the transparency of the limestone water, and of the pleasure our friends there will have in seeing us. Dabney and Frank Gilmer, Henry Tucker's long chin, and Hugh Holmes' wide mouth, not forgetting those thick lips of his, employed in singing the celebrated old English ballad of "The pigs," &c.

We are all well, except our infant, who has been very sick, but thank Heaven, is now nearly restored. My wife and children unite with me in affectionate compliments to Mrs. P., Lucy Ann, and yourself; and I am, as I ever have been, "your loving friend till death us do part."

WM. WIRT.

WILLIAM WIRT TO RICHARD MORRIS, ESQ.

RICHMOND, January 19, 1817.

"You are heartily welcome, brother Shandy, though it were twice as much:"—but are you not a shabby fellow, to return the manuscript, without aiding me with a single criticism? If I thought you considered me so paltry a fellow as to be wounded by the strictures of my friends, I should renounce you *extempore*. I will not permit myself to suspect this, because it would pain me much if one who knows me so well should think so ill both of my modesty and understanding.

Sir, had you appealed to *my* friendship in a like case, I would have given it to you, "hip and thigh." "Your book," I would have said, sir, (if I had thought so) "may do well enough in Virginia, where the subject itself has interest enough to keep your chin above the water: but in other states, and more especially in foreign parts, I doubt you will be damned. You have not the style of narrative—your manner is not familiar and easy enough—your sentences rickety and stiff-jointed;—besides, there are too frequent efforts to give importance to trifles. You will pardon me, but your book abounds with many striking specimens of the false sublime;—your incidents are not detailed with sufficient spirit;—they are frequently encumbered with a quantity of trite historical lumber, which causes the narrative to drag, and the reader to yawn. We lose sight of Henry in wading through your marshes. The speeches that you give as his, contradict your own pompous descriptions of his eloquence. Upon the whole, I must confess that I was painfully disappointed in your work;—there

are parts of it, to be sure, which gratified me,—but as *a whole*, trust me, it is but a poor thing—and neither calculated to advance the fame of the author or of his hero." And then, sir, I would have proceeded to give specifications of these charges. For instance:—"page 40, paragraph the 2d:—much ado about nothing—it sounds to me very much like nonsense."—"Page 60—paragraph the 1st:—this is intended for pathos—the Dutch pronounce the word *ba*thos," &c., &c. "Finally, sir, my advice to you, as a friend, is not to publish the book; believe me, it will rob you even of the little standing you have, and cheapen both Mr. Henry and yourself in the public estimation." This is the way, sir, I should have treated you—and I should have expected you to cry "thank'e?" at every slash of my surgical knife.

Now, Morris, whether you will believe me or not, the hypothetic strictures which I have just made, are, in sober sadness, the very remarks to which I fear my book is liable. Yet no one will tell me so, till I read them in some review. From those of my friends who are more remarkable for warm and affectionate hearts than acuteness of intellect, I look naturally for eulogium only; and I have not been disappointed—their partiality for me blinding them to the faults of the work. Even from friends of greater acuteness, I should not be surprised if a false and unkind delicacy for my feelings, should dispose them to conceal their objections. But you are one of those men from whose sturdier and nobler cast both of friendship and character, I expected to hear the naked truth, with all the frankness, and even bluntness, of Kent in Shakspeare's Lear. Instead of which, you come out upon me with a short letter, which, to be sure, is most kind and obliging, but which deals *in generals*, and gives me no specific instruction whatever. Sir, you are not to escape me thus. I have you up before the court, a witness upon oath, and I will torture you by cross-examination 'till I get the whole truth out of you:—so you might as well let it come at once. Cast your eyes, then, upon the aforesaid hypothetic strictures, wherein, if you will take the trouble to analyze, you will discover *a specification* of my own doubts and fears on this subject. Answer me to these, *head by head*, on the oath you have taken—"and then proceed with a statement of all you know respecting the points in issue." If you do not this, I shall say you are no better than you should be. * * *

Will you tender to Mrs. Morris my affectionate compliments—and request her, in my behalf, to make you answer this letter as early as your convenience will permit, promising her, in return, that though *I* have suffered a temporary relapse to the heresy of snuff-taking, I will not give you a pinch without her consent.

God bless you,

WM. WIRT.

END OF VOL. I.

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MEMOIRS

OF THE

LIFE OF WILLIAM WIRT,

ATTORNEY-GENERAL OF THE UNITED STATES.

BY

JOHN P. KENNEDY.

A NEW AND REVISED EDITION.

TWO VOLUMES IN ONE.

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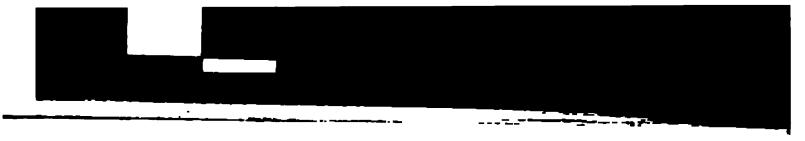

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LIFE OF WILLIAM WIRT.

CHAPTER I.

1817.

ARGUES HIS SECOND CAUSE IN THE SUPREME COURT. — LETTER OF ADVICE TO GILMER. — HIS ANXIETY IN THE COMPOSITION OF THE BIOGRAPHY. — LETTERS TO CARR. — THE BIOGRAPHY GOES TO PRESS.—IS PUBLISHED.—LETTER FROM MR. MONROE OFFERING HIM THE POST OF ATTORNEY-GENERAL. — ACCEPTS, AND REPAIRS TO WASHINGTON.—LETTERS TO MRS. W.

Mr. Wirt had, as yet, argued but one cause in the Supreme Court. Early in this year his professional engagements called him to a second trial in that forum. We shall see in the following letters, upon what occasion and how this effort succeeded. The first of these was written at intervals, before and after his visit to Washington. It is addressed to his young friend Gilmer, and contains, what we have always found in the letters written to him, a kind and instructive lesson composed in the spirit of an affectionate preceptor who took the liveliest concern in the advancement and success of his pupil. Like the others to the same correspondent, it pours forth that wholesome counsel which may be read with profit by every professional student. What is given below are but some extracts from this letter It refers, in part, to the expected publication of the biography, which was now ready for the press, and the opinion of "The honourable Thomas" (a jocular allusion to Mr. Jefferson,) upon the subject; and, in part, to the personal concerns of him to whom it was written.

There is, besides, a short reference to the trial in the Supreme Court, which had taken place before the writer had found sufficient leisure to conclude his epistle. Notwithstanding the brevity of this reference, the reader will not fail to perceive, after the perusal of the two letters which succeed this, that the speech in the great national tribunal was not so cursorily dismissed, from any insensibility to the impression it may have made. There is apparent in all Wirt's professional and literary exhibitions at this period of his life, — and indeed, it may be said to have been characteristic of his temperament throughout his whole career,—a nervous impressibility to the opinions of the public in regard to his own merits and the success of his endeavours; which, as it sprang from the eagerness of his desire to satisfy his own high estimate of what he deemed the excellences of his art, manifests not only the strength of his ambition, but, even more conspicuously, the simplicity of his character. He indulges, with the exultation of a boy, in the accomplishment of a feat of intellect; speaks of his triumphs with that glad temper of youth which fears nothing from the censoriousness of the world, which conceals no natural emotion of the heart, and which disarms envy and even challenges admiration by the frank and joyous tone with which it seeks applause for the fortunate issue of an honourable endeavour. There are few men of real merit who do not often feel such impulses; but the instances are rare in which such men have not found, even in a short experience of the rivalries of manhood, motive to school their behaviour to a more discreet and guarded subjection, and to restrain themselves from giving way to the expression of those sentiments most natural to their good fortune, lest the world should misconstrue it as weak self-complacency, or an unbecoming vain-glory. The circumspection, in such cases, which is adopted as a guard against the world at large, often begets an habitual reserve even in the intercourse of intimate friendship, and thus the most private correspondence seldom exhibits the exact portraiture and image of the heart. In the letters between Wirt and his friend Carr, we may find an exception to this remark, and we shall read in them the unguarded utterances of a generous and confiding nature, which, as, on the part of the writer, they were above all dissimulation, so, on our part, they should be considered as beyond the pale of critical censure.

TO FRANCIS W. GILMER.

RICHMOND, January 26, 1817.

MY DEAR FRANCIS:

On my return from Washington about the 10th, after an absence of three weeks, I found, among others, your letter of the 20th ult; but I found, also, the Court of Appeals and Chancery, both in session, and an accumulation of professional duties which have disabled me from sitting down to answer you until now. I was in the less hurry about it; for, just about the time of my leaving the city, it was rumoured that you would be there on a visit, in a few days—and but for those duties which were pressing my return to Richmond, I would have waited your arrival.

As I was saying, however, the impression that you were absent from Winchester on this visit, and were kicking up your heels in Washington, put me at ease about answering your letter until your frolic should be over, and you should so far have forgotten the gaiety of the city, the eloquence of Congress, and the wisdom of the Abbé,* as to be able to relish such plain fare as I could spread before you.

By this time, I presume you have got back, cloyed with these delicacies, and with your natural palate so far restored as to enjoy a dish of bacon and greens, or hog and hominy—saving your highness. So here's at you!—As for Patrick ——, "By my sowl, says Pat, but you may say that, to the end of the world and after, O!" The public are to be the judges. But I am so far from confident of a favourable sentence, that I am in no hurry for my trial. "On the contrary," (as our President apparent says)—I am pretty much of the humour of the Irish culprit—who being asked by the clerk of arraigns, how he would be tried, answered "not at all, at all." As the trial, however, I suppose, must come, I will take a continuance 'till after next summer. The honourable Thomas has given me some flattering encouragement. I can see, however, that he regards my book rather as panegyric than history, and has put his *veto* on almost all my favourite passages, as being too poetical for sober narrative—as calculated, indeed, to gratify the young, but to shake the confidence of the aged in the truth of my story. Whether I shall appeal to the people on this head, I shall be better able to judge after the summer vacation of our courts.

* * * * * * *

Great power of talents ought always to be allayed by invincible patience, the most indulgent charity, the most boundless benevolence. Omnipotence itself would be an object only of terror and hatred, but for the divine attributes of mercy and love, with which it is associated among men equal by nature. Superior power of any sort, or from

*The Abbé Correa.

any cause, is borne with impatience; and it requires infinite forbearance and address, on the part of its possessor, to make it tolerable, and much more to make it agreeable to the world.

Hence, the impolicy of brandishing the whip of ridicule and scourge of invective on every occasion, and, indeed, on any occasion. For I cannot conceive the occasion on which a man truly great, would not gain more than he could lose, by the forbearance. — Do you smell a rat? or do you perceive that I am aiming one of these strokes at what I have feared may grow into a blemish of *your* fame? Have you never had occasion to say, with Horace, "sunt quibus nimis videor acer?" Have you learned the god-like wisdom of treating the ignorance, the mistakes, the absurdities of others, with *tender respect*— or do you put aside a silly opinion, of which the speaker is nevertheless vain, with a contemptuous back of your hand, (as the Scotch Irish say,) or, what is worse, with an exposing and poignant sarcasm? *I have heard nothing of this kind*, and only speak of what I feared would be the case, when you came to be at ease, and felt your power at the bar. Bacon has an essay on the subject of abating the odium of superior talents, which every man who is on the public stage, and who has any pretension to talents, ought to lay to his heart and make the rule of his conduct. There is a trait, too, in the character of the celebrated Hampden, congenial with this purpose, and of such exquisite delicacy, that I have thought of and admired it a thousand times. He was a great *parliamentarian*, an out-of-door partizan, and an intriguer. Clarendon says that he managed his operations with so much address, that, instead of betraying his drift to the person with whom he spoke, he seemed to have come merely for the purpose of deliberation, and of getting instruction how he was himself to vote and act; but, in the course of these deliberations, he would throw in, as if casually, the thoughts which seemed for the first time to be occurring to him, with so much skill of position, and at the same time, with such an apparent destitution of art, as to leave the person with whom he spoke, to suggest the very measure he himself wished, and imagine too, that he was suggesting a new thought to Hampden. This savours, indeed, a good deal of *Italian finesse*. But it shows the necessity of resorting to address, to abate the odium of high talents, and to manage the vain and weak world which surrounds us, even to their own benefit.

It shows decisively the habitual respect which we should observe even to the silly and impotent, to make them of any use to us, or to themselves. Cultivate universal love, by universal kindness and respect, and reserve your wit for the friends who know your worth— contrary to the common maxim. Break your wit only on your best friends, and that only in a small company of friends. Above all, never make a man feel *ridiculous*. It is an injury which it is not in human nature to *forget*, much less to forgive.

* * * * * * *

I find, on looking at your letter, that I must preach a little more. Don't think of Congress for ten years to come:—make your fortune first. I am not indeed of the opinion of Crassus or Lucullus, (or whoever it is mentioned in the beginning of Cicero's Offices), that the man who aspires to be the leader of a republic should be able to supply an army by the current revenues of his estate. But he ought to have enough to liberate his mind from all anxiety on that score, and enable him to devote himself, soul and body, to his country. And I take it for granted, of course, that you will not be in such a hurry to make your fortune, as to leave any doubt on your liberality as you go along. If you awaken a prejudice of that sort, you are gone for life. Hence, since you are not to screw for a fortune, you will find ten years short enough to accomplish the object. By that time, too, your mind will have become chastened, (or if you please, chastised,) by experience, and you will see the fallacy of many a fair and beautiful theory that now amuses your fancy. By that time you will have discovered that we are not an agricultural people merely, for we shall have a fleet of thirty sail, and our commerce will cover every sea. The spirit of manufactures, too, will have spread from the north to the south, and our country will be a pretty large epitome of all the pursuits of human life.

* * * * * * *

February 25, 1817.

So far, I had by fits and starts, as leisure would permit, advanced in answering your letter, when I was summoned to Washington by private business.

* * * * * * *

I returned last night about nine o'clock, and have taken the first morning to finish my letter to you. I made a speech whilst there, in a prize case. It was rather better than my former one, and I hope my friend Dabney will have no great occasion to scold about it. More it does not become me to say,—nor, indeed, could I say more with any regard to the truth.

* * * * * * *

I regret extremely that my engagements in court would not permit me to pay my respects to your friend, Mr. Correa, except at a distance. For he, too, honoured me by being one of my hearers. Had it not been for the ostentatious appearance of being acquainted with the great, I would have advanced from my seat and offered him my hand. On this account, I could give him only a bow, and express my respects by my countenance.

* * * * * * *

Give my love to the Chancellor, and believe me as ever,

Your friend,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, February 27, 1817.

I do, indeed, my dear friend, felicitate you from my bosom's core, on the comparative restoration of a wife so much beloved and so worthy of it, too. God grant that all your hopes on the subject may be realized!—of which, I think, there can be no reason to doubt, from what you tell me of the past. May Heaven bless her with the return of permanent and perfect health, since this only is necessary to make her one of the happiest of human beings! I would say more of what I feel, but I would not be thought a flatterer, even by my friend.

I have committed another fraud on you; for I have been to Washington, and I made a speech, sir, in the Supreme Court *four hours and a half long!* Does not this alarm you? And will you not be still more alarmed when you are told that the court-room was thronged, —fifteen or twenty ladies, many members of Congress, and, what is worse than all, the venerable Correa, whom I heartily wished at Portugal; besides Walsh, whom, if I had known to be there at the time, I should have wished at ——. But the subject was not to my taste. It was a prize case—an appeal from North Carolina—a mere question of fact, i. e., whether the captured ship and her cargo were neutral or hostile property. As counsel for the captured privateer, I was bound to contend that they were British; my adversaries, on the contrary, (Gaston and Hopkinson, against whom I stood alone,) insisted that they were Russian; and this issue of fact was to be decided by the analysis and synthesis of about five hundred dry, deranged ship documents, which were to be read and commented on. You perceive the utter impossibility of clothing such a subject either with ornament or interest; and when you are farther told, that there was not one principle of dubious law involved in the case, you will as readily see that there was no opportunity for the display of any cogency of argument. It was, therefore, matter of surprise to me, that the ladies stuck to us till dinner-time; and of still greater surprise, that the Abbé and Walsh remained till the close of the argument,—as the latter informed me on the next day. If any reliance is to be placed on the intimations given to me from different quarters, the speech was quite a creditable one; and this is as much as ought to be expected in such a case by any judge of equity and good conscience. I have other cases there which will come on at the next term, and which will enable me to show what little I have of law or argument; the one is a batture case, in which I have been employed against Livingston, by a family in New Orleans; another, a case from Virginia, in which I have been retained by the Literary Fund Society, on a question of the right of an alien to take the benefit of a devise

of lands directed to be sold and the proceeds remitted to Scotland. This latter case will show Wickham and myself in opposition; and though I shall probably lose the cause, I will give him a heat for the glory. You cannot conceive, or, rather, you can (which, as Cabell says, is "the same thing,") what a rejuvenescence this change of theatre and of audience gives to a man's emulation. It makes me feel young again, and touches nerves that have been asleep ever since 1807, (the era of Burr's trial.) It puts me strongly in mind of some of our early campaigns, when I was struggling from my native obscurity into light. Could I have supposed when you and I were threading the hog-paths through the wilds of Fluvanna, and trying to make our way at the bar of that miserable court, that a day would ever come when I could dare to hold up my head in the Supreme Court of the United States, and take by the beard the first champions of the nation! Who shall tell me after this that there is no God; no benignant disposer of events whose pleasure it is to raise the weak and lowly and down-trodden, by his own sovereign and irresistible *fiat?* No, sir, the prosperous events of my life have flowed from no prudence or worth of my own; but I feel at this moment, most gratefully feel, that they have been kindly forced upon me by an over-ruling providence.

I carried to Washington the manuscript of Patrick, with the resolution of sending it to you, if a safe conveyance offered; but none such presented itself. You must, if possible, see it before it goes to the press. I shall be ill at ease unless you do. But I am determined to retouch it, in spite of all you can say to the contrary. * * * * However, let that pass, sir: the greater part of the book, as it now stands, is the first rough draft. Would you have the painter to quit the portrait after the first sitting, the eye-balls glaring, and the cheeks of "ashy semblance?" I want to put a little more body and character into the work: at present you may rely upon it, it is rather an empty thing. Having the outline drawn, and the features *located*, it will be easy for me, during the leisure of the approaching summer, to ascertain the parts which demand a bolder swell of muscle, so as to give strength as well as symmetry to the whole. As to colouring, I wish to reduce rather than to heighten. Fear me not, I am no ——, taking your own figure. "I trust I have a good conscience," in this respect.

With regard to the particular criticism on the extract in the Port folio, you and Frank stand alone. No one else has made the objection. *I* think the break a very happy one; it brings the Assembly itself before you, thus powerfully wrought upon, and communicates by sympathy the strong feelings which agitated them. I have frequently seen an anecdote miss fire, till the relater stated what an uproar of laughter the occurrence produced when it happened. If you were to state the last speech which Louis XVI. made to his queen,

how weak would be the effect, till you related its effect on her. In my case, there was no suspending the description of the effect till the close of the speech, because it arose from a particular passage,—that particular passage was to be raised in relief, and there was no other way to bring it about, except by throwing in the shade, exactly where it is. Besides, the historical truth of the story required it; for I hope you and Frank have no suspicion that the incident did not occur just as I have stated it, or that the speech is not a genuine one. Yet I know not how else to understand the remark that the quotation is from an inferior hand. This is strange, after quoting my authority for the speech: and if Randolph's manuscript History of Virginia, which I have seen, shall ever come to light, you will discover that all I have said is Quaker drapery, compared with the account which he gives of the affair.

* * * * * * *

Once more, Heaven bless you and your fire-side!

Yours affectionately,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, March 24, 1817.

MY DEAR FRIEND:

I have just been cruelly disappointed. A letter bearing your superscription was handed to me about ten minutes ago, and I was full of the hope of recent intelligence; but on breaking the seal, I find it dated the 23d of last month, and intended for Washington, which, indeed, the address would have informed me, if I had taken time to read it.

The anxiety which you manifest in this letter, leads me to suspect that you cannot have received my answer to your folio, written immediately on my return to Richmond, and in which I said as much *as my well-known modesty* would permit, in relation to my speech in the Supreme Court. I omitted to address that letter *via* Washington, as I believe I should have done; and it has probably foundered on the way. If you had received, I think you would have answered it. I have only two conclusions to make; either that the letter has miscarried, or that you have received accounts from Washington touching my essay before the Court, which have made it painful for you to answer me, — and as the former is the more agreeable conclusion of the two, I choose to draw it; though I confess I am not without curiosity as to the accounts which you may have received from the city. If I made a *bad* speech, I was not sensible of it, which, I will say for myself, I am very apt to be, when it is really the case. If I did not make a good one, I was most grossly flattered; as you your-

self shall judge by the incidents which I will now detail to you, and which I would not detail, but for the apprehension that you may have heard discouraging accounts. First, then, on the second morning after I had delivered my speech, Hopkinson and Walsh came to my room, — and the former paid me higher compliments than I had ever received, to which the latter gave, at least, an implied assent and something more. Hopkinson's *manner* was not that of a flatterer. It was warm and frank, and he seemed to speak with a generous delight. "I hope we may speak our sentiments here," said he, "to one another, without the suspicion of flattery. Your manner is the very best I have ever seen. Your client has no occasion to regret the loss of Mr. ——; he would not, and never could, have presented the cause with half the power that you have done. The play of your imagination is delightful. You could never have carried it to such perfection, but for the habit of elegant composition. I was charmed with your figures, and almost envied your success." In his reply, too, in Court, in deprecating the effects of my speech, he said, inter alia, "*I speak it openly* — the argument of our adversary has been a masterly one," &c.

Wheaton told me that the judges expressed the greatest satisfaction with my argument. Decatur, whom I met afterwards in the street, I in a hack, he on foot, came to the door of the hack. "Why," said he, in his rough sailor way, "they tell me you have been playing the devil at the Capitol. What have you been doing with old Correa? I think you must have given him love-powders." Colonel Monroe said to me, with the most beaming pleasure, that he had been told I had covered myself *with reputation and glory*. These were his words; and when I looked a little distrustful, he added, "Upon my honour, it is a fact, and I was told so, too, by a person who had no political prejudices in your favour."

This is part only of what I heard, from which I should not infer, if there is any sincerity in Washington, that there was any thing in the speech to be ashamed of. It is very true there was no scope for deep and cogent argument, for there was little or no law in the case. It was pretty much a matter-of-fact case, like Webb and Watkins at Powhatan, and my speech of that sort, — only chastened in reference to the tribunal. This is a short and true account of the whole affair, so far as I know it. I dare say if the Eastern gentlemen Miss B. speaks of were there, they thought the speech light and frothy; for what is common animation in Virginia, would be thought poetic phrenzy by them. However, I should like to know what you may have heard, and whether you have received my answer to your folio, —as also whether Frank has received a long letter from me, which went off about the same time. In relation to the fate of the Washington cause, it is not decided. The Court thought the cause with me on the evidence, on which the argument turned; but being an

admiralty case, they have, according to the practice of that court, indulged the opposite party with farther proof. So that it is possible we shall have another heat at it next winter. Judge Johnson, of the Supreme Court, told me here the other day, that my client would certainly recover the cargo, (which is infinitely the most valuable part of the subject,) and as for the ship, if our adversary did not alter the cause most materially by his farther proof, (which it was not believed he could do,) we should get that, too. So there is nothing lost, unless it be our honour, reversing the fate of Francis at the battle of Pavia; and if this be lost, I am yet to learn. Tell me candidly what you may have heard. Mr. Correa was there, and has probably written to Frank. It might be useful to me to learn what such a judge as he thought amiss. At all events, let me hear from you.

* * * * * * *

We had a son born on the night of the second of March, and his name is Dabney Carr; so take care that you justify the name by your celebrity!

My wife unites in love and best wishes to you all.

Farewell—your friend,

WM. WIRT.

We have now some amusing secrets revealed, of the meditations of the author upon his own work. As the day drew nigh when the biography was to be committed to the hands of the printer, there is apparent in the correspondence a vividly increasing anxiety as to the success of the performance, and an evident distrust of its claims to that favour of the public which the friends of the biographer were endeavouring to persuade him to expect. We shall read this in the criticisms, and in the uneasy efforts at self-composure, which are visible enough in the faint-hearted merriment of the following letters:

TO JUDGE CARR.

RICHMOND, August 9, 1817.

* * * * * * *

And now, I suppose you think I am impatient to speak of Patrick? —and if you do, I cannot say of you as Tom Bowline did of his mariners.* The truth is, I am quite as anxious about it as is becoming, to say no worse. But to the point.

You think me wrong in having shown the manuscript to my friends generally. It may be so, but not upon the ground on which you seem

* "I don't care a d——n."

to place it—that I am the better judge. Johnson, or somebody else whom Boswell introduces into his life, remarked that many persons espied faults in a manuscript submitted to their criticism, which they would never have discovered in the printed book; and it is, perhaps, added, that these circumstances tend only to perplex and mislead the author. This may be true, too—but if the author is not a very *perplexable* character, it is not altogether true. In all that I have hitherto published, my manuscripts have not been shown, for the works were spun from my own brain, and there was no responsibility for the truth or facts; but the Life of Henry is *history*—history, too, often depending on the conflicting recollections and statements of my correspondents, and in regard to which I was, and still am, anxious to avail myself of every possible chance for accuracy. With this view, I submitted the work to several old gentlemen, Mr. Jefferson, Mr. Roane, Mr. Tucker, and two or three others in Hanover. The style of narrative, too, was entirely new to me. I did not like my own work, and from the little interest it appeared to have with me, I was desirous to see how it would strike others, and therefore showed it to half a dozen of as different tastes as I could select, trying to form, in this way, an epitome of society. The result is flattering, yet still, perhaps, delusive; but I do not regret this submission of the manuscript, for I have been set right in several important facts, and have had a number of little blemishes removed which had escaped my own attention. Nor have I been perplexed by contradictory criticisms in any case, except in relation to the mountain stream,—of which, more anon.

If there ever were any beauties in the work, they all remain, no friend having advised the erasure of a single passage which had any pretensions to beauty, "except as before excepted." So that your apprehensions from this submission of the manuscript, although kind and partial, are altogether groundless. The dissertation on the different talents for speaking and writing never pleased me. I should have altered it, of my own accord, and am glad that the change is approved by yourself and Frank. It is accordingly altered. I am not to this moment, however, entirely sure that there is not something more in the incongruity of those faculties than we are willing to admit: and whether the congruity is not rather confined to the *limatus genus dicendi* of Lælius, than the irregular and fiery force of Galba, is, as Lord Coke says, *considerable*. But let this pass; the alteration is made. And now for the mountain stream. I am going to speak to you in all the confiding openness of our friendship.

When I first wrote that passage I was so much pleased with it, that I laid down my pen, and coming in to my wife, who had caught all my anxiety about it, observed to her that I was now at ease about my book, and that I was sure it would live, if for nothing else, for a passage which I had just written. A friend and disciple of mine, Mr

Upshur, coming in shortly after, I took him to the office and read the passage aloud to him. In the reading, I was myself a little startled at the perseverance of the figure, and the rattling, cracking, and bursting of the billows, the shrouds, and the ocean. He desired it to be read again, and it was done in rather a gentler tone, to moderate the violence of the tempest, when he pronounced it *beautiful*, and I was very willing to believe him.

My friend Clark came down a few days afterwards: when I read it to him his eyes filled with tears of rapturous admiration, and he swore that that was the very kind of writing which had made the British Spy so popular.

After this, the sheets were sent to the sage of Monticello, and returned, with a pencilled hand in the margin opposite to the passage, and on a separate paper a note, merely saying the description was "*a little too poetical.*" Quoth I to myself, "you are too old and cold — and I shall not mind you;" — but I could not help doing it, for all that. Judge Cabell read it twice or thrice under the influence of Mr. Jefferson's objection, and declared himself of opinion that the objection was groundless. Judge Brockenborough, on reading the manuscript the first time, observed to me, in conversation, that he thought the passage *too flowery;* but when he returned the manuscript, he observed that he had changed his opinion and thought it highly beautiful. Such was the posture of things when Frank came down and united with Mr. Jefferson. I then determined, if *you* fell into the same opinion, to expunge the passage; and this resolution was strengthened after Frank went away, by Colonel, now Judge Parker (of whose critical abilities I think very highly), who was of opinion that *there was rather too much of it.* I was on the point of striking it out, when Frank's letter and then yours came to restore the balance to its *equilibrium.* With a court so divided, I confess myself at a loss how to decide. As at present advised, however, I believe I shall hazard it, though not without fear and trembling, I confess.

In the mean time, suppose you try Henry Tucker's opinion on it. It is, indeed, by no means a fair trial to read a passage of this sort, detached from the warming preparation which ushers it in — but if it does not strike him as extravagant, ranting, and rhapsodical, when read in this way, I shall have the more confidence in its success. The passage, I know, may be ridiculed, and successfully ridiculed, too, so far as to raise a laugh, but so may any thing, however beautiful. Whether it deserves to be ridiculed, is the question I wish to have decided. G. H——'s rule is to strike out every thing of which he is made to doubt, and probably it is owing to this that his writings are so smooth and perspicuously *insipid.* I had much rather have faults than to have no beauties: and who that ever had beauties was without fault? The most beautiful author in the world is, perhaps,

the fullest of faults. I mean Shakspeare; who, by-the-bye, has a passage that has been several times recalled to my recollection by the objections to my stream. It is in Macbeth:

> "And Pity, like a naked new-born babe
> Hors'd on the sightless coursers of the air,
> Shall blow the horrid deed in every eye,
> *Till tears shall drown the wind.*"

I hope my stream is not as bombastic as this.—But enough of this "confounded stream," as you are ready to cry.

A word or two, however, as to the general style of my book. I had, at first, a thought of trying to imitate the beautiful simplicity of Currie, in his Life of Burns; but the subjects are so different that I could not satisfy myself with that style. I found it impossible to give any idea of the overwhelming power of Mr. Henry, without taking more scope and a bolder range. Is the reason satisfactory?

I thank Heaven, the attack which I had when Frank was here, was of very short duration. I am as hearty as a buck, and as our friend Pope says, "as fat as a fool," so that I shall have no apology for a trip to Winchester, and shall have my hands too full of business through the vacation to make an excursion for pleasure. I shall do all that I have to do for Henry in a fortnight. The book will appear in October.

But Fielding Lucas, of Baltimore, has been here since Frank went away, and claims a promise which I made him some months ago, to furnish a few numbers for a new edition of the Old Bachelor. Can you help me out with a few *levigaters?* for you agree with me, I think, that the work is at present too grave and heavy to fly well.

He is about to print an edition on the same type and of the same size with his neat edition of the British Spy, and I wish, if possible, to prevent him from suffering by his enterprise.

Shall we never see you in Richmond? Are we never to meet again? I have a tribe of children to show you, of whom I have reason to be proud. But let me not boast; for, as Sancho sagely observes, "nothing is so vain, as vanity!"

We are all well, and unite in love to you and yours.

WM. WIRT.

TO FRANCIS W. GILMER.

RICHMOND, August 11, 1817.

DEAR FRANCIS:

I owe you several letters, which, if you insist on punctilio, you must let me pay you as I can, for I am very busy; and though not lazy, what comes pretty nearly to the same thing,—unsystematic, and, of course, pressed and oppressed by my business.

I had just determined to strike out the figure of the mountain stream, upon Parker's concurrence with you and Mr. J., when your last letter, and then the Chancellor's, came to change my resolution. I think if you will read this passage without the figure, you will feel that something is wanting, and that you would have felt this, although you had never seen the *said* figure. The objection made by Parker is, that *there is too much of it*; that is, as I understand it, the resemblances are too minutely and circumstantially followed out. The four most interesting situations in which moving water can be seen are, I think, the streamlet playing down the mountain's side,—the cataract, —the placid river of the West,—and the stormy ocean. I think it must be admitted that either of these, singly, and all of them in succession, bear an apt resemblance either to poetry or eloquence. The streamlet seems the most objectionable; yet Brent's eloquence, you may remember, was entirely of this cast, and Henry's could be so whenever he pleased. Suppose we abridge the passage thus: "His eloquence was poured from inexhaustible sources, and assumed every variety of hue and form and motion that could amaze or persuade, instruct or astonish. Sometimes, it was the limpid rivulet murmuring down the mountain side, and winding its silver course between margins of moss; then gradually swelling to a bolder head, it roared in the headlong cataract and spread its rainbows to the sun; now it moved on in tranquil majesty, like a river of the West, reflecting from its polished surface grove, and cliff, and sky; anon it was the angry ocean, chafed by the tempest, and hurling its billows in sublime defiance of the storm that frowned above." Will this mend the matter? Submit the comparison to our Winchester counsel.

The greatest objection I have to it myself, is that I have discovered, since you went away, the figure to be in part anticipated and wholly eclipsed by an un-named quotation, in Stewart's Essays. It is possibly from Beattie,—or is it Dryden?

> "Now the rich stream of music winds along,
> Deep, majestic, smooth, and strong,
> Through verdant vales and Ceres' golden reign;
> Now rolling down the steep amain,
> Headlong, impetuous, see it pour,
> The rocks and nodding groves rebellow to the roar."

There is difference enough, however, both in the features and application, to save me from the imputation of plagiarism, of which I have certainly been no farther guilty, than as mountain torrents, cataracts and oceans have been lawful prey for these occasions, ever since the days of Homer, at least.

The remarks on the different talents of speaking and writing have been altered, as you will see, by reference to my letter to the Chancellor.

Fielding Lucas has been here, and complained greatly of your having forgotten your promise to continue the sketches. I am sorry you made the promise, — considering the very limited materials on which you had to work, and extreme delicacy and danger of the task. What is to be done? I should think you might make something interesting of Rufus King, Webster, Calhoun, Lowndes, Forsyth and Barbour. Then, there is Mr. Madison still untouched, but whom you never heard; although, from knowing him, you may easily imagine his manner, and can procure his speeches. There is Gouveneur Morris, too, of whom you may learn much, I should suppose, from Judge White. Suppose, too, you embalm the memory of Brent, or Ames, or Hamilton? But publish nothing that will not redound to your fame, (even if you have to beg off from Lucas,) and do not publish without consulting at least one candid and judicious friend. You cannot find one better qualified than the Chancellor, who is at hand; and, trust me, you may avoid mischief by consulting him. We all missed you very much, after you left us. Shall we not see you again? You have our good wishes. My wife and children join in love to you. Cabell asks, in a letter, how you dare to come to town, when he is away?

Farewell—may you be all that you wish!

Your friend, WM. WIRT.

The disputed piece of rhetoric, referred to in these two letters, was retained, notwithstanding the severer judgment of the friends who condemned it. The author was not willing to consign it to that limbo of darling conceits to which the discarded favourites of many a glowing brain have been banished by the ruthless decree of friends who have been called to sit in judgment over unpublished manuscripts. The biography having been now submitted to its last ordeal, been read and re-read by critics partial and impartial, discussed in general and in particular, amended and made perfect,—as far as imperfect human skill, under many conditions of embarrassment and disability, may do such work,—is at last sent to the press, not without many misgivings, doubts and fears, nor without some sanguine hopes, more characteristic of the writer's disposition. In the following letter, one may almost hear him whistling to keep up his courage.

TO JUDGE CARR.

RICHMOND, September 13, 1817.

MY DEAR FRIEND:

You have expressed so much anxiety that I should get Patrick Henry off my hands, that I am sure you will be relieved by being

told, that, on Friday the fifth of this month, I delivered the whole manuscript, from the title-page to "finis," to Webster's agent; that it reached Philadelphia, I suppose, last Thursday; and that before this reaches you, it will be in the press. The press is to be corrected by Mr. Hanna, a young gentleman of this place who copied the manuscript, and by the celebrated Judge Cooper. The latter has just assured me, through Webster, that he will do everything in his power to have the typography perfect; and Webster has purchased a new font of elegant type for the occasion. The paper is of the very first quality, and Webster has pledged himself that the mechanical part of the work shall do me honour. Does not all this preparation make you quake for me, and do you not catch your breath as you say to yourself, "*Parturiunt montes*," &c.? Remember, this is the first work I have ever offered to the public, *with my name to it*, and I confess the novelty of the situation gives me some unpleasant throbs. But "the deed is done — the die is cast," and I suppose that by Christmas I may add, "war comes riding on the blast." But "damme, who 's afraid?" "There was an old prophecy found in a bog—Lilliburlero, bullen a la," &c.

I have this consolation, that if the book has merit there is no critic in America who has sufficient weight of character to destroy it, and if it has not, it would die a natural death without their help; so that I have nothing to fear from them. If they should take it into their critical noddles to praise it,—why, well and good,—"they are heartily welcome, an' it were twice as much." If they abuse it, we will either abuse them in turn or be silent, as circumstances may require.

As to European critics, let them tomahawk away. It is not expected of them to extol anything American. So you see the resources of comfort to which I am ready to resort. To say the truth, (between you and me and the post,) there is a part of the book which I myself think extremely heavy and soporific, but it was unavoidable; for it is that part in which I have been obliged to rely on David Robertson's reports of Henry's speeches in the convention, and in the great British debt case. The work would have been obviously very incomplete without this part of it, and yet, with it, that part of the road is very deep and miry. But if the reader does not choose to wade through it, he can hop over it, and so he cannot blame me if he soils his stockings. Webster thinks he can have the book here by the first of December, in order to meet the Assembly; and in the meantime I shall try to forget it—to which, as a friend, I also advise you.

* * * * * * *

I owe Frank a letter. Tell him I will pay him shortly with interest. Give our love to him, and to your hearth and family gods, not forgetting Tucker.

Your friend forever,

WM. WIRT.

The "Sketches of the Life and Character of Patrick Henry," — this was the title of the book, — went rapidly through the press and appeared in public about the first of November. This was a period of great interest in the life of Wirt. He had not only thrown himself before the world, for the first time, in the avowed character of an author, with his name appended to his work, but he was also, at this epoch, called to assume a position of great notoriety and observation in the political concerns of the country, and to accept the office of Attorney-General of the United States, which had been recently vacated by the appointment of Mr. Rush to represent the government at the Court of St. James.

The following letter from the President contained a summons which, it is said, and, I believe, truly said, was altogether unexpected, as it was certainly unsought by him to whom it was addressed.

JAMES MONROE TO WILLIAM WIRT.

[Private.]

WASHINGTON, October 29, 1817.

DEAR SIR:

The vacancy made in the office of Attorney-General of the United States, by the appointment of Mr. Rush Minister to England, enables me to offer it to your acceptance. Highly respecting your talents, and having long entertained a sincere friendship for you, I need not add that it would be very gratifying to me to find that this proposition accorded with your interest and views. Should this be the case, I hope that it will be convenient to you to join us at an early day, as there are many subjects of great importance requiring early attention. A visit to Richmond to attend to your engagements there, after the expiration of a few weeks, would not, I presume, interfere with your duties here.

I am, dear sir, with sincere regard,

Yours,

JAMES MONROE.

When this letter reached Richmond, Wirt was at Norfolk, in attendance upon the Court there, as the District Attorney of th Government. The following playful letter, written to Mrs. Wirt at this time, will show how unconscious he was of the purpose of the President, and with what gaiety of spirit he pursued his customary avocations. His authorship and its anticipated triumphs, the reader will see, were by no means in the back-ground of his merriment.

TO MRS. WIRT.

Norfolk, November 3, 1817.

* * * * * *

"You can easily conceive the painful disappointment I met, when on running to the carriage door to open it, I found it empty, and had an explanation from James of the whys and wherefores. That you and our dear children should be all disappointed by such a cause, was intolerable. 'Well,' quoth I, trying to recover myself, 'bring down my trunk and cloak,'—'Your cloak?' said Frederick. 'Yes sir, my cloak;—take it out of the carriage, and bring it into the boat.' 'Your cloak ain't in the carriage, sir.' 'The d—l it ain't, and why ain't it?' 'You never told me to bring it, sir,'—'nor me nother,' said James,—'nor me,' said Morris;—which, to make the matter worse, (for it left me no one to scold at) reflection assured me was true;—for I had only told Omai,—and requested Robert and Cabell, each, *most emphatically, twice or thrice.* But then said reflection again, in a pretty audible voice,—'consider what a hurry they were in,—and how they must have been fretted by the refractoriness of the horses; children crying, and perhaps your wife not far from it. Was that a time to think of cloaks? For shame, man!' Says I, 'Madam Reflection, you will be so good as to kiss my foot.' Says she, 'I shan't, Shame on you, man, I say again!' And so she and I went grumbling on for five or six miles down the river. At last, thinks I, I will get a book and read it off. 'Captain, have you any books on board?' 'No, sir, not one.' 'Captain Shuster (your predecessor) kept books for his own amusement, and that of the passengers.' 'Yes, sir, and Mr. Tazewell means to have a library for *this* boat.' 'I am glad to hear it;—it is a great comfort for me, *at present*, to know what is intended *hereafter*.' 'Can't help it, sir!—you man at the helm, luff, luff.' Says I to myself, I will go and lie down. 'Steward, is it lawful on board of this boat to lie down in the day-time?' 'Yes, sir, in your own berth.' 'But my berth is in the second tier, four feet and a half from the cabin floor, and I can't climb up into it without taking off my coat and shoes. I don't want to go to bed, but merely to loll awhile.' 'You must loll in your berth, then, sir.' 'Savage!' thought I, 'do you know or can you imagine the disappointments and crosses I have met with this morning?' Says reflection, again,—'Is this patience?—is this dignity? Fie on you, man!—forget your little frivolous vexations, which no *man* would think of for a moment. Don't you see that your fellow passengers know you, although you don't know them? That they are looking at you and whispering,—there is the author of the Life of Patrick Henry, &c., &c.' Says I, 'I doubt whether they ever have heard, or ever will hear of it.'

"By degrees I began to get composed. The boat flew at the rate

of fifteen miles an hour. As we shot between Westover and Maycox, I remembered you, my love, and the feelings with which I had crossed the ferry with you and our infant Laura, some thirteen years before, on our way,—our mournful way,—to Norfolk. In these thirteen years, what revolutions upon revolutions, changes upon changes, losses and gains,—what variety of events! Yes, thirteen years have since rolled over us, and have found us, if I know my own heart and yours, with affections unabated, and esteem increased. This reflection contributed still more to soothe me, and a good night's rest has put me in humour with myself and the world. We reached Norfolk at three o'clock this morning. A little after daylight I packed off to Davis's again, (Dana's old house) opposite to Tazewell's, where I have a very good room. In the same house are our parson Hart, and his lady—and Young, the actor, and *his* lady—besides several other transient boarders. We had a court to-day, in which I got several judgments for the United States, amounting to about two hundred dollars in fees. To-morrow I go on again in the same way,—and by industrious effort hope to return in the steamboat on Friday. The players are here,—Cooper among them: They play the Honey Moon to-night, and Hamlet on Wednesday. Rather think I shall go to hear them. I dine with Tazewell *en famille*. The hour has arrived: so, for the present, fare thee well! I shall write you farther to-morrow morning."

Tuesday Morning.

"Well, I went to see the play. Tazewell, Taylor and the Nivisons were of the party. The play, you may remember, is a very good one. Cooper played the Duke, and Mrs. Young, Juliana. The play was well performed, and so was the after-piece, the Lock and Key. I had not seen a play for six years, and yet I must acknowledge I had very little enjoyment in it. It seemed to me almost as stale and flat 'as a twice-told tale, vexing the dull ear of a drowsy man.' How is this to be accounted for, but that the tiptoe curiosity, imagination and sensibility of youth are gone, and that time is laying his icy hand on the sources of my enjoyment? The scenery was quite passable;—the dresses most splendidly theatrical—and the orchestra scraping and blowing and jigging away, as merrily as possible. But it all would not do for me—the novelty was gone. I dare say if you and our children had been with me, I should have caught your enjoyment by reflection:—but enough of this."

* * * * * * *

Upon his return from Norfolk, Wirt immediately repaired to Washington. The few letters which follow tell their own story, and supply a pleasant chapter in the history of a joyous heart which has reached the goal of its desires. We have here the picture of a public man

and an author, entering upon a new career of honourable enterprise, surrounded by many blessings, and who now, in the glory of an exulting manhood, with every prize in possession, which his ambition might have coveted, wins our esteem by the genial glow of his domestic affections, and by his wise appreciation of that richest and purest source of human happiness, the simple and natural pleasures of the family home.

TO MRS. WIRT.

WASHINGTON, D. C., November 13, 1817.

MY BELOVED WIFE:

The die is cast,—I have accepted the office. Mr. Monroe and such of the cabinet as he consulted were clearly of opinion that there was no kind of necessity to give up my connection with the foundry.* They all assure me that there is nothing in the duties of the office to prevent the general practice of my profession in this place, and attending occasional calls to Baltimore, Philadelphia, or elsewhere. Nothing remains but the quantity of business, and of this I have not been able to get complete information, because of the absence both of the clerk and of Swann. I have been compelled, therefore, to act on such as I could get; and on this, under Heaven's guidance and support, I have no doubt of bettering the situation of our dear children by the move. I cannot yet say when I will return: —in a day or two I shall be able. I write this with flying fingers, having just returned from a consultation with the President, and finding the mail hour arriving. So, love and kisses to our blessed children; and may God of his infinite mercy follow with his blessing what I have done for them in this decision.

Your own,

WM. WIRT.

TO MRS. WIRT.

WASHINGTON, D. C., November 17, 1817.

MY BEST BELOVED:

I have just returned from paying and returning a round of official and ceremonious visits,—a business, you know, of all others, the most congenial with my temper and habits!—I set out at ten o'clock; it is now one. I have been to the President's, the Secretary of State's,

* This has reference to an interest which Mr. W. had in some iron-works in Virginia, which probably had some government contracts to fulfil.

the Secretary of the Treasury's, the acting Secretary of War's, the British Minister's, the British Consul's and Secretary of Legation's, Commodore Decatur's, &c., &c. How do you think you will stand all this? And yet you will have to go through it all; ay, and more too. Why that sigh? It is nothing when you get used to it. Bagot is a prime fellow, and his wife is another. You will like them. Our dear children will like the old Abbé Correa; and our dear E— will like Com. Decatur. Robert will like the Indian chiefs; poor L— will like nothing, and want to go back to Richmond; the others will like being in a new place where they will have elbow room enough to play at large; and I will love you all, and be as happy as the day is long, if my profession succeeds.

WM. WIRT.

TO MRS. WIRT.

WASHINGTON, November 20, 1817.

* * * * * *

I have just received your favour of the 18th, and have told Mr. Baily that I am off. I shall either rent or purchase, as I find best, since you leave me at large. You know I came on with the expectation of staying two or three weeks, if I should accept, in order to throw off from the office the load of business which had accumulated since Mr. Rush's resignation. This I am doing as industriously as I can, and when done, I shall, as you suggest, come to Richmond and stay some weeks to arrange my business there. I am extremely anxious to get my family on before the steamboats are stopped by the ice,—for the roads are horrible in the winter. As to my living separate from them, I would die first. I fear you are suffering yourself to be made melancholy by this change of residence; but if you are opposed to it, why did you not tell me so? I thought the proposal had your approbation, and that you even preferred my acceptance. If you have changed your mind, (as you did in the Kentucky case,) I live but for your happiness, and will lay down the office without hesitation. It would, indeed, be extremely fickle and undignified, and I should be lashed for it in those prints which are now ringing my praises here in full chorus; but I would rather be lashed to the very bone than to see you unhappy.

* * * * * * *

The newspapers seem to be trying what ballast I have on board I am quite ashamed of the magnificent eulogies which they are sounding here on my talents, accomplishments, and all that; and in Philadelphia, the rapturous encomiums which they are bestowing on my book. But they have not yet unsettled the trim of my wherry; nor will they, if I know myself. I keep as steady as possible, in the expectation of a counterblast; for the praise is too high to last, and,

I know, much more than is deserved. All these things settle, at last, to their proper grade — too high to-day, too low to-morrow; but, like the vibration of a well-poised needle drawn aside from its polar direction and then let go, however it may swing backwards and forwards for a while, it points right at last.

* * * * * * *

Give my love to L——. I enclose her a curiosity. Let her hold it between a candle and the wall, and she will see on the wall the head of our Saviour. Incledon, the celebrated singer from the London stage, is now here. I have heard him sing. I would not give Maria M——'s Savoyard for his whole collection. Yet he sings well, for a man.

WM. WIRT.

CHAPTER II.

1818.

PUBLICATION OF THE SKETCHES OF PATRICK HENRY. — ITS RECEPTION. — CHARACTER OF THE WORK. — UNFRIENDLY COMMENTS OF THE NORTH AMERICAN REVIEW. — NOTICE OF THIS CRITICISM. — REPUBLICATION OF NOVANGLUS AND MASSACHUSETTENSIS BY MR. ADAMS, WITH SOME REFERENCE TO THE SKETCHES. — CORRESPONDENCE BETWEEN MR. ADAMS AND MR. WIRT.

THE Sketches of the Life of Patrick Henry were well received by the public. The newspaper criticism, which immediately followed their appearance, was lavish of encomiums upon the author. His promotion, at the same period, to a post in the Cabinet, we may suppose, did not diminish the zeal of commendation. Congratulations were poured in upon him for the eminent success of his labours, from many quarters; — from true friends who really took pleasure in his prosperity, — from the selfish who had favours to ask, and wished to be kept in memory by a distinguished member of the Cabinet, — and from those whose nature, without a more special motive, inclined them to pay homage to a rising man. In this multitude there were some judicious and able critics, whose praise came with most grateful savour to the author, and he received their expressions of approbation

with the joy which belonged to his character. In some of the letters which will be presented in this chapter, we may note the radiant gaiety of heart which these tributes inspired.

First, amongst those who took an early opportunity to speak kindly to the biographer, were Mr. Jefferson and Mr. Adams. "I have to thank you" — says Mr. Jefferson, in a letter of the 5th of January, — "for a copy of your late work, which you have been so kind as to send me, and then to render you double congratulations — first, on the general applause it has so justly received, and next, on the public testimony of esteem for its author, manifested by your late call to the Executive Councils of the Nation. All this I do most heartily." With Mr. Adams it furnished occasion for a correspondence of some interest, to which we shall presently refer.

The more elaborate criticisms of the Reviews were not so indiscriminate in their praise, as the newspaper press. The notice of the Sketches by the North American Review, — the most prominent and authoritative, at that time, of the periodicals of the United States — contained mingled commendation and censure, in which the asperity of the latter outweighed the good-will of the former. I will not say that a Boston Review might be expected to deal severely with a work whose aim was to give a conspicuous eminence to the claims of Virginia as the *leader* of the Revolution, but it is quite natural to suppose that the strenuous assertion of such claims would not be permitted to pass unquestioned in such a quarter, nor be viewed without such a degree of sensitiveness as would be likely to provoke a jealous scrutiny into the merit of the work, and some asperity in pronouncing judgment upon it. That this was exhibited in the Review in question, I think no reader of it, at the present day, would fail to perceive.

The Life of Henry was written under such disadvantages as to give many plausible grounds for this assault. We have seen, in the course of this narrative, how much the author was embarrassed by the nature of his task. Patrick Henry, in the public mind of Virginia, was a *beau ideal* of all that was marvellous and grand in an orator and a patriot. His fame rested upon a tradition which represented only a great outline of an intellectual giant, touched with but a few misty shadowings of its proportions. There was really nothing tangible to the historian, by which he might draw an accurate picture of the man.

and bring his greatness to the test of that measurement with which curious and reluctant disputants of his renown would be alone content. There is a remarkable paucity of material extant for his biography. Separating him from the history of the State in which he lived, and of the time, — the public affairs in which he was called to act, — all that is positively and distinctively known of him may be told in a few pages. He was an orator, and yet no perfect speech of his survives. He was a statesman, with but a limited record of his public acts. He was a lawyer, but far from being skilled in the lore of his profession. He was a wise and acute observer of mankind, a philosopher, a deep and original thinker, — yet not a paper has he left behind him to preserve the treasures of a mind which teemed with instruction and beauty. The rich fruit, as it ripened, fell to earth ungarnered, and gave back its subtle essence to the atmosphere in which it had been engendered — posterity nothing the gainer from its prodigal affluence. An undefined remembrance of great power, only, survived.

When Wirt essayed the task to gather up the remnants of Henry's history, he had no conception how small the stores would prove to be to which he might resort; how difficult of access, even, that scant fund of information which was extant. For twelve years, employing in his pursuit such intervals of leisure as his profession afforded, he devoted himself with more or less diligence to the collection of his materials. We have seen, in his letters during this period, what were his labours, his resources and his disappointments. The actual literary workmanship upon the book might have been easily accomplished in ninety days. This repetition of ineffectual search, this long dwelling upon small incidents, this appeal to the memory of survivors, to the aid of friends, and to floating traditions, gave an inexpressible weariness to his task, and he was left, at last, for the delineation of the highest and most attractive points in the picture of his hero, to the vague resources of a popular memory, conversant only in the exaggerations which the marvel-loving minds of the people had created to invest their idol with incredible perfections. The author of the biography had no easy duty to perform, in reducing the tone of these pictures so as to bring them within the bounds of probability. He is censured that he has not always been successful in doing this We may concede something to the truth of this charge.

The reader of the Sketches of Patrick Henry will, doubtless, find more than one occasion to remark, that the author has not sufficiently winnowed the improbabilities, not to say the impossibilities, of the story which has reached him through the excited popular imagination. But I think every candid reader will also say, that Mr. Wirt has made out of all these untoward materials, a most agreeable, stimulating, and well-sustained picture of the life of the most extraordinary man this country has produced. The style is, with some few exceptions, remarkably pure and transparent, the narrative is clear and unembarrassed, flowing so smoothly as to transport the reader, almost unconsciously, to the end of the volume. It abounds in good thoughts, eloquently expressed, and imparts lessons of wisdom which may be profitably studied by young and old. The concluding section of the work contains a beautiful dissertation upon the characteristics of Henry's oratory, which is quite Ciceronian in its style and thought, and will be admired as long as this volume shall find a reader, or a scholar shall delight in vivid portraitures of genius.

But, notwithstanding these commendations, the Life of Patrick Henry has not added to the fame of Wirt. It is even to be regretted that he undertook this task. As an entire performance, it disappoints the reader, — not in relation to Henry, but in relation to the author. The Life of Patrick Henry by William Wirt, — of the great orator of Virginia by a kindred votary of the art, — is an announcement which prepares the reader to expect much more than has been performed. We make no allowance for defective supplies of information, for the fleeting life of great speeches even on the greatest occasions. We have heard something of the marvellous powers of the gifted sage, in the few anecdotes which have reached us of his sway over the hearts and minds of an heroic generation. We suppose these to be but some scattered scintillations from a great orb of light, of which the biographer is prepared to open all its effulgence. We read, and we discover that these forerunning anecdotes are, in truth, all; that the magnificent idol of the temple is shrouded from view, by a cloud which has been penetrated only by these rare flashes of light which are but so many unsatisfactory and tantalizing revelations. We perceive and commiserate the sedulous and ambitious labour of the author to compensate us for this disappointment, in the glowing exor-

cise of his own imagination to supply the meagreness of authentic details. We cannot help feeling that the labour expended by him in this enterprise would have built him up, on a more auspicious field, a nobler monument of literary renown, with which his name might have been fondly associated in generations to come.

The Reviewer of the North American complains, unreasonably, of the minuteness with which Mr. Wirt dwells upon the history of the period in which Henry acted. A reconsideration of this topic would, doubtless, suggest to him the injustice of his censure. Henry's fame, — at least all of it that does not specifically belong to the triumphs of his eloquence,—is especially identified with the influence he exerted over the course of public events in Virginia, and, to a certain extent, in the colonies at large, to which the history given in the biography refers. Henry's prominence in leading off upon the road that lay in the direction of open rebellion and flagrant war, when the Stamp Act first alarmed the Colonies, is one of the brightest passages of his history. His actual resort to arms and the embodiment of troops, in the affair of the seizure of the gunpowder at Williamsburg; his proposal to organize the militia, and his early declaration, "We must fight,"—furnish topics in the illustration of his character, upon which his biographer could not lay too much stress; and it certainly would have been impossible to give to these events their proper value and significance, without a history, somewhat in detail, of the public transactions with which they were connected.

The Reviewer, more legitimately, questions the accuracy of some of Mr. Wirt's statements in regard to the origin and movement of the Revolution. Upon the authority, in part of Mr. Jefferson, and, in part, of what in Virginia was held to be authentic history, it is asserted in the biography, that Henry "gave the first impulse to the ball of the Revolution." This assertion was, perhaps, too strongly made. It is difficult to assign such an exclusive agency to any one man in the Colonies, during the agitation which preceded the war of the Revolution, as to entitle him to this merit. Henry, undoubtedly, moved in advance of his compeers in Virginia. In looking to the transactions of Massachusetts at that date, we are led to remark how closely he seems to have followed in the path of the Northern leaders, and how intensely his sympathies were kindled with their spirit. A

most interesting parallel may be seen in the career of James Otis and Patrick Henry, throughout all these movements. Whether the effect of accident, or design, the one seemed to march in the footsteps of the other. It is a curious coincidence in the history of these two men, that, in the progress of the revolutionary prelude, they should each have become conspicuous for the identity of their views upon the chief topic of agitation; for the equal boldness with which these views were presented; for the resemblance in the occasions which called forth each; for the apprehensions which each inspired; and for the control which each exerted over his associates. The parallel is sustained even to that startling point in the history of each, when either was checked in the Colonial legislature, to which he belonged, by the cry of "Treason!"

Throughout this path, in each movement, Otis had the advantage of priority of date over his comrade. The clock of the Revolution was only set a little forward in Massachusetts. In Virginia it kept as regular time, and struck with the same precision the hours that bore the cause of freedom onward, witnessing the same inevitable progress of brave and wise men to the consummation of their great work.

Mr. Jefferson took occasion, in view of the precedence of Otis in these events, to qualify the remark he had made to Mr. Wirt. "I well recollect to have used some such expression in a letter to him," —Mr. Wirt,—he writes to Dr. Waterhouse on the 3d of March, 1818,—"and am tolerably certain that our own State (Virginia,) being the subject under consideration, I must have used it with reference to that only." He repeats this afterwards in a letter to Mr. Adams on the 17th of May in the same year. His authority, therefore, may be regarded as settling the point of dispute which has been raised against the accuracy of Mr. Wirt's narrative in this particular. The point, however, is of little importance either to the fame of the individuals or of the States concerned. The merit of the action of both consists in its adaptation respectively to the actual state of affairs, the wise employment of occasion to work for the great end proposed:—it derives nothing from the time in which it became proper for either to give a hand to the enterprise.

The Reviewer has not made out so clear a case upon another point of objection to the statements in the Sketches. This refers to the

Committees of Correspondence, which were established in 1773, between the several Colonies. It will be recollected, from what we have had occasion to notice in a former chapter, and which may be seen also in the Sketches of Henry, that the proposition to establish the Committees was moved, in the House of Burgesses of Virginia, by Dabney Carr. The resolutions were offered on the 12th of March, 1773. One of the resolutions is in these words:

"Be it resolved, that a Standing Committee of Correspondence and Inquiry be appointed, to consist of eleven persons, to wit: the Hon. Peyton Randolph. Esq., Rob't C. Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr and Thomas Jefferson, Esquires, any six of whom to be a committee, whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of administration, as may relate to or affect the British Colonies in America; *and to keep up and maintain a correspondence and communication with our sister colonies* respecting those important considerations; and the result of such their proceedings, from time to time, to lay before this house."

In reference to this proceeding, it is remarked in the biography, that "this house had the merit of originating that powerful engine of resistance, corresponding committees between the Legislatures of the different colonies;" — which remark is qualified by a note which affirms, upon subsequently acquired information, that, "the State of Massachusetts is entitled to equal honour; the measures were so nearly coeval in the two states, as to render it impossible that either could have borrowed it from the other." To which it is added, that "Mrs. Warren, in her very interesting history of the revolution, admits that the measure was original on the part of Virginia."

The Reviewer charges "this whole statement" with being erroneous. "The truth is"—he adds—"the plan originated in Boston, more than four months before it was meditated in Virginia. It was devised by Mr. Samuel Adams and Mr. James Warren, of Plymouth, and the first committee was appointed, on the motion of Mr. Adams, at a town meeting held November 2d, 1772."

In the evidence which the Reviewer presents to sustain his objection to the accuracy of Mr. Wirt's statement, he is very far from making

out his case. The Boston proceeding to which he refers, suggested a committee of twenty members, who were instructed "to state the rights of the colonists, and of this province in particular, as men, as christians and as subjects; to communicate and publish the same to the several towns in this province and to the world, as the sense of this town, with the infringements and violations thereof which have been, and, from time to time, may be made; also requesting of each town a free communication of its sentiments on this subject."

There is nothing in these instructions to the Boston committee which will warrant the inference of a purpose to establish and maintain a correspondence amongst the colonies. In fact, these instructions seem to point out no other course of action than that which was already in progress in several of the colonies—the statement, namely, of their rights and their grievances, the collecting of information as to the proceedings of the day, and the promulgation of the result of their labours by free communication. The idea of interchange of opinions, in the way of correspondence with the other colonies, is not broached in the instructions. Nor was any suggestion made by the committee, in their report of the 19th of the same month, when they responded to the duties assigned them in the resolutions of the town meeting.

The Virginia Resolutions were not even, therefore, an extension of the plan "adopted by the town of Boston the year before," as Dr. Holmes intimates in his Annals;*—they contained an original proposition to bring the colonies into conference, and no doubt, as Mr. Wirt remarks, "led eventually to a Congress of the colonies."

The effect of the Virginia proceedings is amply illustrated, and, in view of the question between the biographer and his reviewer, interpreted by the next public meeting in the town of Boston, which took place on the 5th of May, 1773. Certain resolutions of instruction to the representatives of the town, adopted on that occasion,† recommend "to their most serious consideration, whether *an application to the English colonies on this continent, correspondent to the plan proposed by our noble, patriotic sister colony of Virginia* (which in our opinion is a wise and salutary proposal) will not secure our threatened liberties," &c.

* Vol. 2. p. 180, edition of 1826. † Ib

This resolution leaves but little doubt as to the question of the origination of the committees of correspondence, and totally disarms the displeasure of the reviewer of its point. We may remark of this question, as of the former one, that it scarcely presents a ground of criticism of sufficient importance to justify the discussion it has elicited — much less the tone of reprimand in which it is treated; for whether the one or the other of these States led the way in this movement, there is nothing in the history of either to show that each did not act precisely as the emergency required. Nor is it pretended that the suggestion of the committees of correspondence by Mr. Carr, was not the original and unprompted action of the Legislature of which he was a member.

It will be thought, perhaps, that I have dwelt upon this notice of the Sketches of the Life of Patrick Henry with more emphasis than my subject required. The reader will see the motive of this dissertation in the correspondence which arose, during the present year of our narrative, between Mr. Wirt and Mr. John Adams. The appearance of the Life of Patrick Henry and the correspondence I refer to, furnished occasion for the publication of a most interesting volume, which, in the year 1819, was prepared for the press under the direction of Mr. Adams. Its title will explain its character and contents: "Novanglus and Massachusettensis, or Political Essays, published in the years 1774 and 1775, on the principal points of controversy between Great Britain and her colonies. The former by John Adams, late President of the United States; the latter by Jonathan Sewall, then King's Attorney-General of the Province of Massachusetts Bay. To which are added a number of letters, lately written by President Adams to the Hon. William Tudor."

The publication of this volume furnished another opportunity to the North American Review to assail the accuracy of Mr. Wirt's statements, in reference to the commencement of the Revolution. In the notice which I have already taken of the review of the Sketches, I have said all that is necessary upon the points in dispute, which are repeated in this latter article, and treated somewhat more in detail than in the first.

The re-publication of Novanglus and Massachusettensis, with the recent letters added to the volume, is a most agreeable contribution

to the History of the Revolution; and it will always be considered as one of the happy results of Mr. Wirt's labours in the Life of Henry, that they have stimulated the elder sage of Quincy to a task of so much edification and value to the country. It is not too much to say of this rare volume, that no one of the present generation, at least, may be considered to be fully informed in the history of American Independence who has not perused it. Two of the letters contained in this volume belong to the correspondence with Mr. Wirt, and appropriately claim a place in our pages. A third, not published in the work alluded to, will be read with equal interest, as connected with the subject described in the Sketches:

JOHN ADAMS TO WILLIAM WIRT.

QUINCY, January 5, 1818.

SIR:

Your Sketches of the Life of Mr. Henry have given me a rich entertainment. I will not compare them to the Sibyl conducting Eneas to the regions below, to see the ghosts of departed sages and heroes; but to an angel conveying me to the abodes of the blessed on high, to converse with the spirits of just men made perfect. The names of Henry, Lee, Bland, Pendleton, Washington, Rutledge, Wythe, Dickinson, &c., will ever thrill through my veins with an agreeable sensation.

I am not about to make any critical remarks upon your work at present — but, sir,

"Erant heroes ante Agamemnona multi."*

If I could go back to the age of thirty-five, I would endeavour to become your rival, — not in elegance of composition, but in a simple narration of facts, supported by records, histories, and testimonies of irrefragable authority. I would adopt your title, "Sketches," in all

* In the copy of this letter as printed in the volume I have referred to, Mr. Adams made several corrections — one especially upon this passage — adding to the line above quoted, as follows:

— "Or, not to garble Horace —
Vixere fortes ante Agamemnona
Multi: sed omnes illacrimabiles
Urgentur, ignotique longa
Morte, carent quia vate sacro."

I have pursued the manuscript in my possession, of which a fac-simile may be seen in the front of this volume.

its modesty, — Sketches of the Life and Writings of James Otis, of Boston, — and, in imitation of your example, I would introduce portraits of a long catalogue of illustrious men, who were agents in the Revolution.

Jeremiah Gridley, the father of the bar in Boston and the preceptor of Pratt, Otis, Thatcher, Cushing and many others; Benjamin Pratt, Chief Justice of New York, James Otis of Boston, Oxenbridge Thatcher, Jonathan Sewall, Attorney General and Judge of Admiralty, Samuel Quincy, Solicitor General,—Daniel Leonard,* Josiah Quincy,† Richard Dana, and Francis Dana — his son, Minister to Russia, and afterwards Chief Justice, Jonathan Mayhew D. D., Samuel Cooper D. D., James Warren‡ and Joseph Warren, John Winthrop, Professor at Harvard College and member of Council, Samuel Dexter the father, John Worthington of Springfield, Joseph Hawley of Northampton, Governors Hutchinson, Hancock, Bowdoin, Adams, Sullivan, and Gerry, Lieutenant Governor Oliver, Chief Justice Oliver, Judge Edmund Trowbridge; Judge William Cushing, and Timothy Ruggles ought not to be omitted. The military characters, Ward, Lincoln, Warren, Knox, Brooks, and Heath, &c., must come in, of course. Nor should Benjamin Kent, Samuel Swift, or John Reed, be forgotten.§

I envy none of the well-merited glories of Virginia, or any of her sages or heroes, but I am jealous, very jealous, of the honour of Massachusetts.

The resistance to the British system for subjugating the colonies, began in 1760, and in 1761, in the month of February, when James Otis electrified the town of Boston, the Province of Massachusetts Bay and the whole continent, more than Patrick Henry ever did in the whole course of his life. If we must have panegyric and hyperbole, I must say that, if Mr. Henry was Demosthenes and R. H. Lee Cicero, Mr. Otis was Isaiah and Ezekiel united.

I hope, sir, that some young gentleman of the family, the ancient and honourable family, of the "Searchers," will hereafter do impartial justice to Virginia and Massachusetts.

After all this freedom, I assure you it is no flattery when I congratulate the nation on the acquisition of an Attorney General of such talents and industry as your Sketches demonstrate.

With great esteem, I am, sir,

Your friend,

JOHN ADAMS.

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* In the printed copy there is added "now Chief Justice of Bermuda."

† "The Boston Cicero,"—added in the printed letter.

‡ "And his wife," added.

§ To this list the printed letter adds the names of Charles Chauncey D. D., James Lovel of Boston, and Governors Shirley, Pownal and Bernard.

The wish so earnestly expressed in this letter, for the faculty and time to do justice to the character of Otis, the venerable author himself has fully gratified in the letters appended to the re-publication of Novanglus and Massachusettensis. They are twenty-eight in number; and present a vivid and most interesting sketch of the part taken by Mr. Otis in the great drama of which he was so conspicuous an actor. This has been followed by a still more complete and finished work, from the classical pen of Mr. Tudor, on the same subject—and more recently in a Life of Otis in Mr. Sparks' American Biography.

TO JOHN ADAMS.

WASHINGTON, January 12, 1818.

SIR:

I am just honoured with your letter of the 5th instant, and am truly gratified to learn that my Sketches of Mr. Henry have afforded you entertainment. If I could have anticipated such an effect, I would have taken the liberty on the first publication of the work, to order you a copy, as a slight proof of that sincere respect, which, in common with my countrymen, I feel towards you as one among the chief of our revolutionary patriots. Even yet, I hope it is not too late, in this point of view, to give the order, which I will immediately do, and to beg your acceptance of the book in consideration of the sentiment from which the offer proceeds. I have not taken this liberty towards any gentleman to whom I was personally unknown, because I thought it would argue a vain confidence in the merit of the work, which, in truth, I do not feel; nor would I now take it in relation to you, but for the favourable light in which you have been pleased to speak of the Sketches.

It is possible that I may have been led by the evidence on which my narrative is founded, to assign Mr. Henry too high a rank in the glory of the American Revolution: but if I have done so, I can affirm with the most solemn truth that I have not sinned intentionally; and there is this consolation, that as I have given, all along, the evidence on which my statements are founded, the error may be easily corrected and rendered harmless by a citation of the adverse proofs which show it to be error.

It was as far from my inclination, I beg you to be assured, as it was from the scope and object of my work, to institute an invidious comparison between the States of Massachusetts and Virginia, in the revolutionary contest. I had been led by the histories of the times to consider them as twin sisters in this race of glory, and as running pretty fairly abreast through the whole course of it. I have not the

honour to boast of my nativity in either of those States, and therefore feel none of that local, and I will add, honourable pride and jealousy which naturally grow out of our attachment to the *natale solum*: but if the case were otherwise, I should deem a minute comparison of these states better calculated to tarnish the general grandeur of the revolutionary cause, than to do honour to either of them. Whether this sentiment, however, be right or not, the single object which I had in view was to discharge my portion of that debt of national gratitude, which I thought justly due to a great benefactor of his country, to whose merits my attention happened to be peculiarly attracted, by the circumstance of having settled, early in life, in his native state—in that state which had been the particular theatre of his exertions, and in which the echoes of his fame were still resounding from every quarter, when I first entered it in the year 1792.

Had my destiny led me to commence my professional career in Massachusetts, the names you mention (many of which have been long known and revered by me) would have been rendered, by the same causes, as familiar to my mind and as dear to my affections, as the name of Mr. Henry now is. As to Massachusetts, no man, I believe, can think more highly than I do of the sagacity, the intrepidity, the heroism which marked her whole course throughout the entire period of the revolutionary struggle. It is impossible for any American, at this distance of time, to read of her sufferings, of her magnanimity and invincible bravery in that trying contest, without a burning heart and overflowing eyes; and I, for one, do most devoutly wish that some one could be incited, by any cause, to record, in imperishable characters, the lives of her patriots. Far from considering an act of the most ample justice to them, as detracting, in the smallest degree, from the merits of Mr. Henry, or of any other champion of the revolution, I should hail the appearance of such a work with unaffected gratulation. The present and future generations of our country can never be better employed than in studying the models set before them by the fathers of our revolution; and I cannot forbear the expression of the hope that if no one be now disposed to give us those of Massachusetts, the materials at least for such a work may now be collected and preserved — certain that, with such advantage, some pen of much deeper and far more durable stroke than mine, will hereafter be found to hand down the lives and characters of the illustrious men of Massachusetts to the admiration and gratitude of posterity.

I pray you to accept my thanks for the very obliging terms in which you have been pleased to speak of my appointment, and to believe me, with profound respect,

Your obedient servant,

WM. WIRT.

JOHN ADAMS, Esq., Quincy, Massachusetts.

JOHN ADAMS TO WM. WIRT.

QUINCY, January 23, 1818.

SIR

I thank you for your kind letter of the 12th of this month. As I esteem the character of Mr. Henry an honour to our country, and your volume a masterly delineation of it, I gave orders to purchase it as soon as I heard of it; but was told it was not to be had in Boston. I have seen it only, by great favour, on loan. A copy by the author would be esteemed worth many by purchase. It may be sent me by the mail.

From a personal acquaintance, perhaps I might say, a friendship with Mr. Henry, and from all I have heard or read of him for more than forty years, I have always considered him as a gentleman of deep reflection, keen sagacity, clear foresight, daring enterprise, inflexible intrepidity and untainted integrity; with an ardent zeal for the liberties, the honour and felicity of his country and species. All this you (justly, as I believe,) represent him to have been. There are, however, some remarks to be made upon your work, which, if I had eyes and hands, I would, in the spirit of friendship, attempt. But my hands, eyes and life are but for a moment.

When Congress had finished their business, as they thought, in the autumn of 1774, I had, with Mr. Henry, before we took leave of each other, some familiar conversation, in which I expressed a full conviction that all our resolves, declarations of rights, enumeration of wrongs, petitions and remonstrances and addresses, associations and non-importation agreements, though they might be expected by the people of America, and necessary to cement their union, would be but waste paper in England. He thought they might be of some use among the people of England, but would be totally lost upon the government. I had just received a hasty letter, written to me by Major Joseph Hawley, of Northampton, containing "a few broken hints," as he called them, of what was proper to be done, and concluding with these words — "After all, we must fight."

This letter I read to Mr. Henry, who listened to it with great attention, and as soon as I pronounced the words, — "after all, we must fight," — he erected his head, and, with an energy and vehemence that I can never forget, broke out with — "*By G—, I am of that man's mind!*" I put the letter into his hand, and when he had read it he returned it to me, with an equally solemn asseveration that he agreed entirely in opinion with the writer. I considered this to be a sacred oath upon a very great occasion. I could have sworn it as religiously as he did. It was no contradiction to what you say in some part of your book,—that he never took the name of God in vain

As I know the sentiments with which Mr. Henry left Congress in

November, 1774, and knew the chapter and verse from which he had borrowed the sublime phrase, "we must fight," I was not at all surprised at your history in the 122d page, in the note and some of the preceding and following pages. Mr. Henry only pursued in March, 1775, the views and vows of November, 1774.

The other delegates from Virginia returned to their state in full confidence that all our grievances would be redressed. The last words which R. H. Lee said to me, when we parted, were — "We shall, infallibly, carry all our points. You will be completely relieved. All the offensive acts will be repealed. The army and fleet will be recalled, and Britain will give up her foolish project."

Washington, only, was in doubt. He never spoke in public. In private, he advocated a non-exportation as well as a non-importation agreement. With both, he thought, we should prevail: without either, he thought it doubtful. Henry was clear in one opinion; Lee in an opposite opinion; and Washington doubted between them.

Oratory will always command admiration. But it deserves no great veneration. It consists in grace of attitude and motion, intonations of the voice and expressions of the countenance. Could Demosthenes comprehend these three things in his "action?"

To speak of American orators, ancient or modern, would lead me too far, and, indeed, out of my depth. I must conclude, with fresh assurances of the high esteem of

Your humble servant,

JOHN ADAMS.

JOHN ADAMS TO WILLIAM WIRT.

QUINCY, March 7, 1818.

DEAR SIR:

Be pleased to accept my cordial thanks for the present of an elegant copy of your Sketches of Mr. Henry. I know not whether I shall ever have time to make you any other return than thanks. But, as I see you wish to investigate the sources of the American Revolution, if you will give me leave, I will give you such hints as my memory affords, to assist you.

In 1764, was published in Boston, a pretty little pamphlet—"The Sentiments of a British American," — the motto of which ought to have warned Great Britain to desist from her tyrannical system of taxation:

> Asellum in prato timidus* pascebat senex.
> Is hostium clamore subito territus,
> Suadebat asino fugere, ne possent† capi.

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* Some of the editions have "quidem" instead of "timidus."
† "Posset" in some editions.

At ille lentus: quæso num binas mihi
Clitellas impositurum victorem putas?
Senex negavit. Ergo, quid refert mea
Cui serviam? Clitellas dum portem meas!
PHÆDRUS.

Considering "An Act for granting certain Duties in the British Colonies and Plantations in America," of the 4 Geo. 3, he says: "The first objection is that a tax is laid on several commodities to be raised and levied in the plantations, and to be remitted home to England. This is esteemed as a grievance, inasmuch as they are laid without the consent of the representatives of the colonists. It is esteemed as an essential British right, that no person shall be subject to any tax but what, in person or by his representative, he has a voice in laying."

I am indebted to you, sir, for the re-perusal of this pretty little thing. I had never seen it for fifty-four years, and should never have seen it again; but your book has excited me, having no copy of it, to borrow it, as a great favour, for a short time. It was written by Oxenbridge Thatcher, a barrister at law, in Boston.

There is so much resemblance between this pamphlet and Mr. Jay's address to the people of England, written ten years afterwards, that, as Johnson said of his Rasselas and Voltaire's Candide, one might be suspected to have given birth to the other.—Majora canamus.

In 1764, was published in Boston, "The Rights of the British Colonies asserted and proved," by James Otis, Esq. This work was read in the House of Representatives of Massachusetts, in manuscript, in 1764, and, though not ordered by them to be published, it was printed with their knowledge.

In it, these propositions are asserted as fundamental.

"1. That the supreme and subordinate powers of legislation should be free and sacred in the hands where the community have once rightfully placed them.

"2. The supreme national legislature cannot be altered justly 'till the commonwealth is dissolved; nor a subordinate legislature taken away without forfeiture or other good cause. Nor can the subjects in the subordinate government be reduced to a state of slavery and subject to the despotic rule of others.

"3. No legislature, supreme or subordinate, has a right to make itself arbitrary.

"4. The supreme legislature cannot justly assume a power of ruling by extempore arbitrary decrees, but is bound to dispense justice by known settled rules, and by duly authorized independent judges.

"5. *The supreme power cannot take from any man any part of his property, without his consent in person or by his representatives*

"6. The legislature cannot transfer the power of making laws to any other hands.

"These are the bounds which by God and nature are fixed; hitherto have they a right to come, and no further:

"1. To govern by stated laws.

"2. Those laws should have no end, ultimately, but the good of the people.

"3. *That taxes are not to be laid on the people but by their consent or by deputation.*

"4. Their whole power is not transferable.

"These are the first principles of law and justice and the great barriers of a free State, and of the British Constitution in particular. I ask, I want no more."

This work, which in 1764 was as familiar to me as my alphabet, I had not seen for fifty-four years, and should never have seen it again if your Sketches, for which I again thank you, had not aroused me. With some pains, and as a great favour, I have obtained the loan of it for a short time. In page 73, is an elaborate and learned demonstration that all acts of Parliament laying taxes on the Colonies, without their consent, are void.

In an appendix to this work is a copy of instructions given by the City of Boston, at their annual meeting in May 1764, to their representatives, Royal Tyler, James Otis, Thomas Cushing, and Oxenbridge Thatcher, Esqrs. These instructions were drawn by Samuel Adams, who was one of the Committee appointed by the town for that purpose.

These instructions are a sample of that simplicity, purity and harmony of style which distinguished all the productions of Mr. Adams' pen. I wish I could transcribe the whole;—but the paragraph most directly to the present purpose is the following:

"But what still heightens our apprehensions is, that these unexpected proceedings may be preparatory to new taxations upon us. For, if our trade may be taxed, why not our lands? Why not the produce of our lands, and everything we possess and make use of? This, we apprehend, annihilates our charter right to govern and tax ourselves. It strikes at our British privileges, which, as we have never forfeited them, we hold in common with our fellow-subjects who are natives of Britain. If taxes are laid upon us in every shape, without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?"

This whole work was published more than a year before Mr. Henry's resolutions were moved.

Excuse the trouble I give you, and believe me to be, sir,

Your obliged friend,

and humble servant,

JOHN ADAMS.

WILLIAM WIRT, Attorney-General of the United States, Washington.

While Mr. Adams thus earnestly controverts some of the grounds taken in favour of Patrick Henry by the author of the Sketches, he gives flattering and weighty testimony to the merits of the work. That his opinion so favourably expressed in this correspondence has not been dictated by a sentiment merely of courtesy to the author, we have manifold evidence in the letters written to others, and appended to the essays of Novanglus and Massachusettensis. In one of these, to Mr. Tudor, he says, "Your judgment of Mr. Wirt's biography of my friend Mr. Henry, is in exact unison with my own. I have read it with more delight than Scott's Romances in verse and prose, or Miss Porter's Scottish Chiefs and other novels." Yet it is amusing to see, amidst the many proofs which these letters supply of kind feeling towards the author of the Sketches, how suddenly the flash of an ancient memory kindles the ardour of the veteran patriot in the defence of his compeers; and with what jealousy he maintains their claims. "Is it not an affront," — he says in another letter, — "to common sense, an insult to truth, virtue and patriotism, to represent Patrick Henry,—though he was my friend as much as Otis,—as the father of the American Revolution, and the founder of American independence? The gentleman who has done this, sincerely believed what he wrote, I doubt not; but he ought to be made sensible that he is of yesterday, and knows nothing of the real origin of the American Revolution." The spirit, energy, and industry which these letters manifest, and especially the frequent coruscations which break forth from the depth of the writer's heart, when his theme seems to have fired some train of ancient sympathies, show us very pleasantly that the frost of eighty-two winters had not subdued, nor even chilled, the enthusiasm which took its first heat from the furnace of the Revolution. They show us, too, the characteristic temperament of his race and lineage, somewhat famous in the annals of that *Puritan chivalry*, which, for doughty exploit and headstrong perseverance, puts all other chivalry into the shade.

CHAPTER III.

1818.

APPOINTMENT TO THE POST OF ATTORNEY-GENERAL OF THE UNITED STATES. — MOTIVES FOR ACCEPTING IT. — REMOVAL OF HIS RESIDENCE TO WASHINGTON. — POLITICAL AND PERSONAL ASSOCIATIONS OF THE CABINET. — MR. MONROE'S ADMINISTRATION. — REPOSE OF PARTY SPIRIT. — DUTIES OF THE ATTORNEY-GENERAL. — REFORMS IN THE OFFICE. — LETTER TO THE CHAIRMAN OF THE JUDICIARY COMMITTEE.

MR. WIRT'S appointment to the post of Attorney-General of the United States was made in the recess of Congress, on the 13th of November, 1817. The nomination was sent to the Senate and confirmed on the 15th of the following December. Early in January, after this event, he repaired to Washington to enter upon the duties of his office.

His reluctance to embark in public life, which we have seen so frequently expressed in his letters, was an unaffected and matured sentiment. He coveted no political honours. His thoughts were turned towards a life which was to derive its pleasures from the domestic circle, and its fame from private pursuits. His ambition was to earn affluence and leisure from the diligent practice of his profession; and renown from the dedication of these to literary employments. He had consequently repelled every attempt heretofore, to bring him upon the political stage. In 1813, when a rumour prevailed that Mr. Giles, who was then one of the senators of Virginia in Congress, had it in contemplation to resign his seat, a general wish was expressed that Wirt would accept the appointment to the expected vacancy. The expression of this wish was equally rife when Mr. Giles did resign, in 1815. On both occasions, Mr. Wirt discountenanced all expectations on this point, by the refusal to allow his name to be presented to the Legislature for the vacancy.*

* It appears that, in January, 1815, when the Virginia Legislature found itself obliged to elect a senator to fill the vacancy occasioned by the death of Richard Brent, Mr. Wirt's friends put him in nomination, in competition

The acceptance by Mr. Rush of the mission to England, unexpectedly opened to Mr. Wirt the appointment to the attorney-generalship He was summoned to this post under circumstances that almost forbade a denial. The President, Mr. Monroe, had many claims upon him. He had been his early friend and patron, at a period when he stood in need of such a relation; he had the highest confidence in Wirt's ability, and a most cordial esteem for his private worth and personal qualities. There was something more, therefore, in this summons to a post in the cabinet than the ordinary and appropriate discharge of an official function. It implied, also, an appeal to a friend for the indulgence of a personal gratification, by which the toils of public administration were to be lightened of some portion of their irksomeness, and cheered by the communion of an intimate and cherished companion.

Wirt did not hesitate to accept. The post he was about to fill had as much of a professional as of a political character. The acceptance of it so far coincided with his plan of life, that it facilitated his purpose of practising in the Supreme Court of the United States, and thus gave him a more commanding access to that theatre which he had already chosen as the most desirable field for the employment of his talents.

The Attorney-General, until within a few years previous to this date, had not been so closely associated with the Cabinet as he has been since. He had not, even, been required to reside at the seat of government; and was regarded more distinctly as a mere adviser on legal questions arising in the course of administration, than as a cabinet councillor, charged with the duties of consultation in matters of general concern. He was, therefore, left at liberty to pursue his practice wherever he found it most convenient, limited only in his choice, in this particular, by the exigency of his duties to the government. Mr. Pinkney, in fact, resided altogether in Baltimore during

with that of Governor Barbour, and that the vote which resulted in the choice of Governor Barbour was a very close one. I presume that this nomination was made without Mr. Wirt's consent, and, most probably, without his knowledge: that, if he had been elected, he would have declined the appointment. I infer this not only from the general tenor of his letters, but from his known refusal to be a candidate upon the resignation of Mr. Giles, which took place in the same year as the above-mentioned proceeding.

the short period of his incumbency, and maintained his post almost without interruption to his private engagements at the bar.

In the first year of Mr. Madison's second term, this question of residence attracted the attention of government. Upon the suggestion of the President himself, it is said, Congress passed an act which required the Attorney General, from that time, to reside in Washington.* This led to his complete identification with the Cabinet, gave him a more distinct political character, and rendered him, in equal degree with his colleagues, responsible for the counsels of the administration. He was still, however, left in the full enjoyment of every privilege belonging to his professional position not incompatible with the restrictions as to residence. His relation to the Supreme Court, as the law officer of the government, could not be otherwise than a most effective auxiliary to his professional advancement, which, indeed, would be scarcely less promoted by the influence attached to his political connection with the administration. In every point of view, therefore, the preferment to this post obviously presented to Mr. Wirt a most desirable opportunity for the gratification of his ambition in that career to which he had devoted his studies and his hopes.

The Cabinet, at the period when he became associated with it, was composed of gentlemen eminent for their position at the head of what was then called the Democratic party. Mr. John Quincy Adams held the post of Secretary of State, Mr. Crawford was at the head of the Treasury, Mr. Calhoun of the War Department, Mr. Crowninshield, of the Navy, which post he resigned in a few months after this date, and was succeeded in it by Mr. Smith Thompson of New York. The Post Office was in the hands of Mr. Meigs until the last year of Mr. Monroe's second term, when it was consigned to Mr. John McLean of Ohio, now a Judge of the Supreme Court.

With these gentlemen, the Attorney-General maintained an official and private association, throughout the two presidential terms of Mr.

* The passage of this act, there is reason to believe, caused the resignation of Mr. Pinkney, in 1814. Enjoying a large and profitable practice in Baltimore, as well as in the Supreme Court at Washington, and a professional reputation to which no official position could give additional renown, he prudently declined a sacrifice of these substantial advantages for the less comfortable honour of public station.

Monroe's service; an association which was distinguished, not less by the personal gratifications which flowed from the communion of highly cultivated minds, congenial in their pursuits and influenced by mutual sentiments of the kindest regard, than by their harmonious political action, of which the effects were seen in the increasing prosperity of the country and the universal confidence of the people. The administration of Mr. Monroe has been noted for the happy auspices under which it was begun and conducted to its close. The political strife which had embittered the temper of the two great parties of the Union, through a career of incessant and exasperated contests for sixteen years, had now subsided. Each party had, by common consent, sought a breathing space, "for frighted peace to pant," and, in a calm survey of the field of contention, had found,—what angry disputants will generally find, when they grow cool enough to investigate,—that toleration and mutual forbearance in opinion better speed a good cause, than blows or scolding words. In this abandonment of strife, so happily characteristic of the era of which we speak, the nation came to a sober and just estimate of its duty, and yielded a cordial support to the administration. All men exulted in this peace; and those at the head of affairs enjoyed the rare good fortune of witnessing an honest and patriotic appreciation by the people, of their own honest and patriotic endeavours to advance the public welfare. Party spirit had in a great degree disappeared; faction was disarmed; no venal press was subsidized to conceal truth or stamp a fair seeming upon falsehood. Demagogues, the curse of free government, found no mart wherein to ply their seditious trade. So profound was this peace, so beneficent the spirit of the time, that, in 1821, Mr. Monroe was elected to a second term without an opponent in the field.

Such were the fortunate conditions which attended the entrance of the Attorney-General upon the theatre of public life.

Mr. Wirt's varied attainments, professional skill and enlarged experience were now to be brought to the observation of the whole country. They were to be submitted to that ordeal of public judgment, which seldom errs on the side of leniency towards its object, and not less rarely stamps its approbation upon a spurious fame. If an exception to this reluctance of commendation be sometimes found in the history of men, who have come to renown by those qualities

and accidents which captivate the popular fancy in the blaze of a sudden glory, or by their relation to some exciting topic of admiration or prevailing taste, it is, we may say, never found in the history of those who have built a solid reputation upon the labour of intellect, and earned a title to be remembered in the silent and lonely vigils of persevering study.

The office of the Attorney-General has nothing to commend it to the fancy of an indolent man. The organization of the government does not present a post which requires from him who faithfully discharges its duties, more systematic diligence, more daily and nightly toil, self-possession, equanimity, or more uninterrupted health. The summary of these duties is expressed in the law which established the office, "to prosecute and conduct all suits in the Supreme Court, in which the United States are concerned, and to give advice and opinions upon questions of law when required by the President, or when requested by the heads of any of the departments, touching matters that may concern their departments."

In the discourse pronounced by Mr. Southard, on the occasion of the death of Mr. Wirt,* he spoke of the duties of the Attorney-General in the following terms: — "There is a peculiarity in the responsibility of this officer, which requires the exercise of more than common care in his selection. He does not deal with the ordinary routine of business which inferior intelligence and system can manage: but when doubts and difficulties intervene upon the powers conferred by law, or the rights intended to be secured, the appeal is made to him. His labours are always connected with perplexing subjects; and his opinions, as well as his arguments in court, relate to every variety of questions which can arise under our institutions, or from our connection with the commerce and governments of the world. His opinions, too, are official; not merely persuasive upon the judgment of other officers, but, so far as the construction of the law is concerned, regarded as binding; and if error be committed, the responsibility is, in a great degree, taken from them and cast upon him,—

* "A discourse on the Professional Character and Virtues of the late William Wirt, delivered in the Hall of the House of Representatives, March 18, 1834, by Samuel L. Southard."

a responsibility by no means light to a sensitive and well-organized mind."

This is the remark of one who, himself a member of the cabinet and a colleague of Mr. Wirt during the administration of Mr. Adams, had ample opportunity to witness the labours of his friend, and to become practically acquainted with the delicate and responsible duties of the office.

We may form some estimate of the nature and extent of these labours, from the record of them which is preserved by the government, and which was published by the order of the House of Representatives of the Twenty-sixth Congress, as one of the documents of its second session.* This printed record of the opinions of the Attorneys-General engrosses a volume of nearly fifteen hundred pages, of which more than five hundred are appropriated to those of Mr. Wirt. "They all," says Mr. Southard, speaking of these opinions of Mr. Wirt, "relate to matters of importance in the construction of the laws; many of them to the most difficult and interesting subjects of municipal and constitutional law, as well as the law of nations, which occurred during three presidential terms. They will prevent much uncertainty in that office hereafter, afford one of the best collections of materials for writing the legal and constitutional history of our country, and remain a proud monument of his industry, learning and talents."

I have already said that Wirt introduced some improvements into the mode of conducting the business of this office. We owe to him this record of the opinions of the Attorney-General, which is now duly preserved, and by which a very obvious uniformity and consistency of decision in the construction of laws are maintained.

Within a short time after Wirt's induction into this office, he addressed a letter to the Chairman of the Judiciary Committee of the House of Representatives, calling the attention of that Committee to the very defective organization of this branch of the government machinery. This letter explains the nature of the defects complained of so fully, and so cogently enforces the duty of further legal provision to render the office efficient, that I regard it, even at the present day,

* Document of the House of Representatives, No. 123.

as worthy of the consideration of the country, and therefore present it to my readers entire. I am not aware that it has ever obtained a greater publicity than it found amongst the members of the Judiciary Committee of 1818, by whom it was consigned to the pigeon-holes of the Clerk's office, and to the eternal sleep of the files of that session.

TO THE HON. HUGH NELSON,

CHAIRMAN OF THE JUDICIARY COMMITTEE, HOUSE OF REPRESENTATIVES.

ATTORNEY-GENERAL'S OFFICE, March 27, 1818.

SIR:

I beg leave to call your attention to the state of this office, and to some material defects which, I think, exist in the laws in relation to it; with the view that the subject, if you shall think it of sufficient importance to merit this course, may be presented, through your committee, to the consideration of Congress, before they rise.

The commission of the Attorney-General "authorizes and empowers him to execute and fulfil *the duties of that office, according to law.*" The only law which points out those duties, is the act of Congress of the 24th of September, 1789, entitled an act to establish the judicial courts of the United States, the thirty-fifth section of which act creates the office, and designates its duties in the following words: "And there shall be appointed a meet person, learned in the law, to act as Attorney-General for the United States; who shall be sworn or affirmed to the faithful execution of his office, *whose duty it shall be*, to prosecute and conduct all suits in the Supreme Court, in which the United States shall be concerned, and *to give his advice and opinion upon questions of law, when requested by the President of the United States, or when requested by the heads of any of the departments, touching any matter that may concern their departments.*"

It is to be observed that there is no duty which the President or any head of department performs, which does not involve some principle of law, under the head, either of the natural or conventional law of nations, constitutional law, or municipal law; consequently there is no duty which belongs to either of those officers, on which he has not the right to require the opinion of the Attorney-General, and on which it is not continually required; and in relation, at least, to questions on municipal law, which are incessantly occurring, it is understood that the heads of departments consider the advice of the law officers conclusive.

In the operations of an office whose sphere of action is so wide, and whose decisions are of such extensive and unremitting practical effect, it would seem to be of consequence to the nation that some degree of consistency and uniformity should prevail: but, it is obvious,

that these can be attained in no other way than by putting the incumbent, for the time being, in full possession of all the official opinions and acts of his predecessors.

Under this impression, when I had the honour of receiving the appointment, my first inquiry was for the books containing the acts of advice and opinions of my predecessors: I was told there were none such. I asked for the letter-books, containing their official correspondence: the answer was, that there were no such books. I asked for the documents belonging to the office; presuming that, at least, the statements of cases which had been submitted for the opinion of the law-officer had been filed, and that I should find, endorsed on them, some note of their advice in each case; but my inquiries resulted in the discovery that there was not to be found, in connection with this office, any trace of a pen indicating, in the slightest manner, any one act of advice or opinion which had been given by any one of my predecessors, from the first foundation of the federal government to the moment of my inquiry. Thus, the gentlemen who have held this office, in succession, have been in constant danger of being involved themselves, and involving the departments which depended on their counsel, in perpetual collisions and inconsistencies; exposing the government to that kind of degradation which never fails to attend an unsteady and contradictory course.

In noticing the omission to keep these records, and preserve the statements and documents, I am very far from intending any censure on my predecessors: for no law had enjoined it on them as a duty; and from the multitude and variety of questions which are unavoidably pressing upon this office, throughout the year, it is very apparent that the plan which I suggest could not have been executed, without an expense, in clerk-hire, office-fuel, stationery, &c., for which there is no provision by law.

After this explanation, I submit it to you, sir, with great deference, whether it would not be expedient that some provision be made, by law, for keeping a record of the opinions and official correspondence of the Attorney-General, in his office; and for preserving in his office the documents submitted for his advice.

Again: the subjects on which the Attorney-General is occasionally consulted, and those on which he has to act in the Supreme Court, turn, not unfrequently, on the local laws of the several States. But these have not been furnished to his office; and the omission is a serious practical evil. Would it not be well that the office of the Attorney-General should be supplied with these laws?

Another defect seems to me to exist in the law as it now stands. You will observe that the only law which prescribes the duty of the Attorney-General, and which I have already quoted, limits the obligation upon him, and, consequently, limits *his right* "*to give official advice and opinions*, to cases in which he shall be called upon, by the

President, or by any of the departments, touching any matters which may concern their departments."

But, I am told, (and, in my short experience, I have already found it true, in part,) that the advice and opinion of the Attorney-General, *in his official character*, are called for by committees of Congress, standing and special, by all the District Attorneys, Collectors of Customs, Collectors of the Public Taxes, and Marshals throughout the United States, by Courts martial, (military and naval,) wheresoever they may sit, &c., &c.

If it be advisable to open the office of the Attorney-General to applications of this kind, I submit it to you, sir, whether it would not be expedient to have it provided for by law. 1. That the several officers and public bodies which have been mentioned, (instead of resting on the personal courtesy of the Attorney-General,) may be authorized to call for his opinion, *as a matter of right.*

And 2d, (which strikes me as being of equal, if not superior consequence,) that the Attorney-General himself may be justified in giving an *official opinion* in these cases.

For, in a government of laws, like ours, it seems to me of importance that the influence of every officer should be confined within the strict limits prescribed for it by law.

It cannot be questioned, from the connection of the Attorney-General with the executive branch of the government, that his advice and opinions, *given as Attorney-General*, will have an *official influence*, beyond, and independent of, whatever intrinsic merit they may possess: and whether it be sound policy to permit this officer or any other under the government, even on the application of others, to extend the influence of his office beyond the pale of the law, and to cause it to be felt, where the laws have not contemplated that it should be felt, is the point which I beg leave to submit to your consideration.

There is, however, a strong objection to any new provision which should go to open the office of the Attorney-General, as *now organized*, to applications beyond the provisions of the act of 1789. It is this: I am convinced that no single unassisted individual, whatever may be his strength, his habits of industry, or the system and celerity of his movements, could discharge, in a manner satisfactory either to himself or the nation, the vast load of duties which would be thus thrown upon him, without devoting himself to them, *solely and exclusively*. The very frequent calls which are regularly and properly made on the office, under the act of 1789, and the careful and elaborate examination which it is often necessary to bestow upon these subjects, are found to be sufficient, in connection with the Attorney-General's duties in the Supreme Court, to give the office, at present, almost constant occupation: and if, in addition to those duties, he shall be placed under a legal obligation to answer all the other calls which

have been mentioned, he must, unavoidably, abandon entirely the individual pursuits of his profession, and rest, for the support of his family, on the salary attached to the office. Even under the duties, as they now exist, *very little time* is left to the Attorney-General to aid the salary of his office by individual engagements; a fact which may explain, in part, the frequent resignations of this office which have heretofore occurred.

I would not have troubled you with these suggestions, at this time, but that the subject strikes me as being of so much practical importance *to the nation*, as to merit consideration: and that it relates to an office whose defective organization, however grievous to the incumbent, or *injurious to the public*, would not be apt to force itself on the notice of others.*

I have the honour to be, sir,
With very great respect,
Your obedient servant,
WM. WIRT.

CHAPTER IV.

1818.

LETTER TO POPE. — VIEWS IN ACCEPTING THE POST OF ATTORNEY-GENERAL.—LETTER TO GILMER.—CORRESPONDENCE WITH MR. ADAMS. — AN AMENDED EDITION OF THE SKETCHES CONTEMPLATED. — LETTERS TO CARR. — THE ATTORNEY-GENERAL ADMITTED TO THE BAR OF BALTIMORE.—THE RULE OF COURT. —MEETS PINKNEY. — RIVALRY BETWEEN THEM. — ADVICE TO GILMER. — A MISUNDERSTANDING AT THE BAR AND RECONCILIATION.—LETTER TO DELAPLAINE.—REMARKS ON BIOGRAPHICAL WRITING.

HAVING departed somewhat from the regular succession of dates in the correspondence, with a view to bring together what was appropriate to the publication of the Biography of Henry, and the ap-

* Although Congress did not act immediately upon the suggestions of this letter, they, doubtless, had their influence, in the subsequent proceedings of that body, in increasing the salary of the Attorney-General, and in providing him a proper library. Mr. Wirt's administration of the office had, also, its due weight in adjusting that more distinct understanding of the nature of his duties, in connection with other departments of the Government, which now exists.

pointment to the Attorney-Generalship, — the two prominent events of this period,—I now return to the more pleasant incidents of social life, from which we may learn with what feelings the subject of our narrative looked upon this advancement of his fortunes.

We have here a letter of personal interest, in which the writer pours into the bosom of an old and cherished friend the warmest sentiments of his own heart, with that rambling freedom of utterance which, better than all other testimonials, evinces the entire sincerity and truth of what he writes.

TO WILLIAM POPE.

WASHINGTON, January 18, 1818.

MY DEAR FRIEND:

I am indebted to you for two warm, amusing, and, at the same time, affecting letters, which I have never found time 'till now to answer, for since I have been here I have had to work 'till midnight, every night, to keep the channel of my office from being blocked up by drift-wood. It is now night, and after a close day's work, it is a relief to me to take up my pen and hold some chat with you.

I am indebted to my constant occupation for one thing, at least; it has not allowed me time to think of and mourn over my separation from those beloved friends in Virginia with whom Heaven has blessed me,—and I dare not suffer myself, even at this moment, to look long that way. "Ambition should be made of sterner stuff."

I have been long convinced that there is not enough iron in my composition for a public character; I mean, for a politician aiming at glory. Nor do I regret it; for I would not exchange the sensibility which has made me so happy in my friends, for all the honours upon earth. As to those high grounds to which your partiality points me, they have no charms for me. The summit of my ambition is to make a decent provision for my children, and to leave behind me a name, at the mention of which neither they nor my friends will ever have cause to blush. The last, I trust that Heaven will give me the firmness to effect; and even as to the first, I do not despair, if my life and health shall be prolonged to the usual term.

As to the office which I have received, it was not, trust me, either the supposed honour attached to it, nor any ulterior promotion to which it might be supposed to lead, that induced my acceptance. No! as there is a God in Heaven, who knows the secrets of my heart, it was the single object of bettering the fortunes of my children, by pursuing my profession on more advantageous ground. Nor would I have accepted any other office under the government, even the

highest; for any other would have been utterly incompatible with what I deem my first duty — which is to provide for my household. "He that provideth not for his household is" pronounced, you know, to be "worse than an infidel." Nor am I vain and foolish enough to aim at anything higher. I am already higher than I had any reason to expect, and I should be light-headed, indeed, because I have been placed on this knoll, (where I feel safe,) to aspire at the mountain's pinnacle, in order to be blown to atoms. Therefore, let this matter rest.

As to Patrick, I am glad he takes in Virginia. The man must be a bungler, indeed, who could have failed, *in that state*, with a subject so popular. But I have been looking out for a scourging from the north. Those gentlemen will not enjoy my encomiums on Mr. Henry. I have received some personal compliments from some of them, on the workmanship of the book, but I can see plainly enough they regard it—as you tell Pleasants John Taylor, of Caroline, does—"as a splendid novel." It is not wonderful that Taylor speaks of it in this light; for he is the relation of a justly eminent man, who would certainly never have added one pebble to Mr. Henry's mausoleum, and from whom I have no doubt that Col. T. has received all his impressions of Mr. Henry. I take what you say of C—— to be a joke; he has, however, I must confess, some little reason to be nettled — not that injustice has been done him — but that a joke, at his expense, has been recorded. But he is not mentioned by name, and his best policy will be to laugh it off.

Has the book itself reached your neighbourhood? Webster has been very niggardly in the proportion of the first edition which he has allowed to Virginia. He did not give me copies enough to distribute among the contributors to the materials of the work. I designed a splendid copy for your brother Nat's eldest son, William; but Webster disappointed me. It shall, however, yet be done, either from this edition or the second, which will be out in a few months:— but this you must not mention, for fear of spoiling the sale of the first. I know you are a great hand at keeping a secret.

How are you? how is Mrs. P.? how, Lucy Ann? how, Montpelier?—not forgetting that tall pine, which I shall never forget, nor even that big-headed little fellow that stole the keys of the moon. Everything around you is dear to my recollection — all your jokes, your excellent face, your eyes, your mouth, your laugh — all as fresh as if I were a young girl thinking of my first love.

As to great men, here, and the affairs of the nation, you know enough through the public prints; and as to private opinions, I, you know, am officially pen-and-tongue-tied. Will you assure your family of my sincere love? Will you tell Morris, next time you see him, how much I love him, in spite of his abominable federalism? Will

you assure my excellent friend Wilson, that I never smoke a pipe (which is six times a day) without thinking affectionately of him and his dearly beloved neighbours, Bullock and Price?

I wish you would go and see Clarke oftener than you have done of late years. You make him very happy when you do so—and do not, I think, make yourself very miserable—for you love Heaven's handy-works well enough to enjoy *the sight*, even, of those angel-faces that move through his house. Don't you *mind* (as the Scotch-Irish say) those days we spent there with Ned Scott, Doct. Wooldridge and Co.? They "*mind*" *me* "of departed joys, departed" (shall I say never? no, I could not bear it, but) seldom "to return." Are you coming on here?

> "But are you sure the news is true; and are you sure he's weel?"

Oh! that you would come, and give me the sweet illusion that I am yet in Virginia. But you will talk of it, and you will persuade yourself that you *are* coming, 'till the moment comes, when a loose shoe on Morgan Rattler, or some disorder of a girth or stirrup-leather will spoil the whole kettle of fish.

"What great effects from little causes spring!" Just as I raised my eye from the paper, here, memory gave me back our visit and dinner at Bullock's Rock-castle. I see you now dashing into the boat, at Jefferson, by the side of O'Reilly—"Shoot Luke!" And I hear that black mimic at Jefferson,—and the original, "I'll be dab'd, if I don't." And

> "Did you hear the sweet tones of her voice?
> Why did she marry him? Why did she marry him?"

And then our re-crossing the river to poor good Mead's.

* * * * * *

You cannot conceive with what childish tenderness I recall these scenes. But the "pleasures of memory" will soon be all that are left me. I was going to add, "or you either," but I just remember that, like the soul, *you* "flourish in immortal youth." Happy, happy, thrice happy man! happy in all who know you on earth, and happy, I verily believe, in the approbation of all who know you above—with the exception of "that vile, nefarious County of Goochland." Here is another security that you will not expose the folly of this letter. You see I am already a managing politician.

What occurrence was that which took place at Major Price's door, on your return from the theatre? I would thank you to write it, because my recollection of particulars is becoming indistinct since I crossed the Potomac.

Excuse all this levity, my dear Pope, for I am really laughing to keep myself from crying, as cowards whistle in the dark. Whether

I shall find the practice of the law profitable here I do not know, as yet. The salary, you know, is very low, only three thousand dollars. There is a talk of raising it. I wish it may not end in talk. As to the other business in the Supreme Court, I have as yet only eight or ten causes; but I have a prospect of more in the course of the approaching court, and the fees are good.

If I could flatter myself with the pleasure of seeing you now and then, I should be much better reconciled to my change of residence. You and Dabney will be here in February, when I shall be too busy to enjoy your company to the full pitch. But could not you make one trip every spring or summer? Then I shall be a freeman, and I will have a room always at your command. Then too, you will see this place in its best dress; I mean Washington and the surrounding scenery. A beautiful place it is, I promise you, in the spring or summer. I shall have leisure to ride with you to all the surrounding heights which overlook Georgetown, Washington, Alexandria, and the seats on the Potomac as low down as Mt. Vernon; and I will carry you to Bladensburg, the place of my nativity; show you the house in which I was born; the Spa-bath in which I was very near being drowned at two years of age; the house at which I went to school, at three; the battle-ground during the late war, &c. And if you come next summer, you will probably see a seventy-four gun ship launched, which you will find on the stocks, next month, at our navy yard. "What a great nation we are," and how much greater we will be, if we hold on as we have begun! Shall we not be the greatest nation in the world—except six?

I have prattled to you full as long as my duties will permit. So, after begging you to give my love to every man, woman and child, you hear speak kindly of me, I bid you farewell, and pray God to bless you. Man and boy, from the year 1798, (when first I saw you) which is twenty-six years this summer, I have been, with constant love, and ever shall be,

Your friend,

WM. WIRT.

Another letter of advice to Gilmer, who, after meditating a removal to Baltimore, had suddenly changed his purpose and gone to Richmond. A rule of the Baltimore bar which required three years residence in the State, imposed a condition with which Gilmer could not comply, and thus compelled him to relinquish a design, the fulfilment of which, we may suppose, should have been not less desirable to the community of Baltimore, than it would have been profitable to the individual who sought to establish himself there.

TO FRANCIS W. GILMER.

WASHINGTON, January 20, 1818.

MY DEAR FRANCIS:

I answered your letter from Winchester on *the morning after its receipt*. The rapidity with which you have executed your removal to Richmond, satisfies me that you were just in the temper of Pope's wife of Bath, when she consulted her friends. He says—

> "She did as commonly is done,
> Heard their advice, and took—her own."

That is to say, that your measure was resolved on, before you consulted me, by letter, at least. From your talk in Richmond, I had not expected so Bonapartean a dash; and, in truth, from the time you left us I was so incessantly, and, with such anxious mind, engaged in hastening my escape from the ice, that I could not think, with ordinary foresight, of any other object. Since my arrival here I can give you no idea of the bustle, the confounding variety of engagements, which shut out every subject not connected with the comfortable establishment of my wife and children, or the throwing off of the accumulated load of official duties. The answer I gave you was the earliest I could have given you; and that you will have received before you get this — although I am answering it in ten minutes after its receipt.

You will see that I oppose your removal to Richmond; but there is so much of *Providence* in these things, and so much depends on the *unvanquishable energy of the orator*, that human prudence becomes a pismire view of the subject. The die (as you say) is cast—and may Heaven prosper it! The step having been taken, all that remains is to make the best use of it.

1st. Don't be in a hurry to distinguish yourself. And, on the other hand, don't hang back too long. Let the occasion of your first display be good, *and your preparation ripe*.

2d. On all occasions, private and public, throw the utmost modesty, and the most scrupulous delicacy, into your manner, and be more disposed to have your scientific knowledge drawn from you than to volunteer a display of it.

3d. *Read law like a horse*. Your friend Cabell will point out the best course to you. Pursue it indefatigably, and suffer no butterflies' wings, stones, &c., to draw you aside from it.

4th. In your arguments at the bar, let *argument strongly predominate*. Sacrifice your flowers, and let your columns be doric, rather than composite — the better medium is Ionic. Avoid, as you would the gates of death, the reputation of floridity. Small though your body, let the march of your mind be the stride of a seven-leagued giant.

Aim at the character of *strength, cogency, comprehension*, and imitate, of all things, Judge Marshall's and Locke's simple process of reasoning. The world will ever give its sanction to this as the truest criterion of superior mind.

And now, in my hurry, I have done. May God bless you, and prosper you.

Your friend and brother,

WM. WIRT.

It will be seen, in the progress of our narrative, that Wirt was already thinking of an amended edition of "The Sketches." His correspondence with Mr. Adams, which had now just begun, had probably suggested the necessity of some corrections, or, at least, had invited him to further investigations upon the topics to which that correspondence referred. This scheme of an amended edition, however, although regarded by the author, as I have authority for saying, as a matter of some interest, and as one which he designed to accomplish with some care, was finally abandoned as a hopeless enterprise, rendered impossible by the pressure of the business of his official position.

TO JUDGE CARR.

WASHINGTON, January 21, 1818.

MY DEAR FRIEND:

It is late at night — the fag-end of a hard day's work. My eyes, hand and mind all tired. It is not under these circumstances that you can expect a return to my epistolary obligations to you. A fair return I do not propose to make, but a confession rather of the obligations *aforesaid*, and a promise hereafter to settle the account.

We are here, sir, established in our own house, for the which I have this day paid twelve thousand dollars. I shall not describe the premises, because I have been led to hope that you will see them in the course of the next month. I will only now say on this subject, that we are what might be called quite comfortable.

The office I find is no *sinecure*. I have been up 'till midnight, at work, every night, and still have my hands full. Much of this is not properly my duty. * * * I shall find ways and means to put an end to it, *prudently*, and do only *my own duty*. In the mean time, apprehend nothing rash or presumptuous from me.

My single motive for accepting the office was the calculation of being able to pursue my profession on a more advantageous ground — i. e. more money for less work. Ulterior objects never were within my view, and never can be. Many of my friends talk of follies of

this sort, but you will believe me sincere when I assure you there is not a speck of them within the horizon of *my hopes or wishes*. On the contrary, I have made my calculation to end my Attorneyship with Mr. Monroe's administration, and to look to Heaven for all the future. An honourable and easy old age is all I desire. How far beyond what I had any reason to count upon in my youth! But this field of recollection and feeling is too wide. I shall not attempt to enter it at this time of night.

As to Patrick,—I was sincere in the apprehension I expressed to you; and I still incline to believe that a sound and deep critic would pronounce it an *ephemeron*. It certainly falls infinitely short of my own conception of biography: the falling short, however, is chiefly in those particulars which depend on the personal observation of the author, and which no description can supply. Stewart would as soon attempt to paint and be responsible for the fidelity of a portait, *on description*, as I would to attempt such another work. If I can get clear this time, I swear off. The workmanship, however, is much extolled to me. Walsh, Correa, and several members of Congress, have thanked me in person for their gratification; and I enclose you, as a treat, a curious letter which I have received from *our old friend* John Adams.

As to the book — you have received merely the extracts in the Enquirer, which leave out all the dead-man's-flesh, and give you only the phantasmagoria of the working muscles. That critique was written by my friend Judge P——, who has been more anxious to discover beauties than astute to perceive defects. I wish I could send you the book itself; but I have not a copy except an interleaved one to correct for the next edition. I wish this, because you would be then able to judge of the whole, and it is upon the whole I am anxious to have your opinion. I wish you, in forming it, to have an eye upon Sterne's "gutter of time," and tell me whether you think there is soul enough about it to live.

I have much, *much* to say to you about this place, and those who are around me; but I am now worn out. We must defer all this 'till we meet, for I am extremely fatigued; and besides, "*litera scripta*," &c.

The Supreme Court is approaching. It will half kill you to hear that it will find me unprepared; but I shall contrive ways and means to keep my professional head, at least, above water. As to any great figure I cannot promise it, in the bustle in which I am now engaged.

As yet, I have not paid, or even returned one single visit: forty-three visits in debt this day. Duty, sir, *paramount* duty!

* * * * * * *

Our love to you all. Don't stand on ceremony with me, but scribble all the nonsense you can think of every night, and give me

the diary through the mail, which is free to me. My love to Judge Holmes and Leigh.

Your friend,

WM WIRT.

TO JUDGE CARR.

WASHINGTON, May 6, 1818.

MY DEAR FRIEND:

"I thank you upon my conscience," as Pope says, for your three letters. They are the most somersetical, high-flyingest, and most charming that I have seen, felt, heard, and understood (which, I think, Sterne says is a quotation from Lilly [whom I believe I never saw—meaning Lilly.] God help the mark!—) (Here is an entanglement of parentheses which I believe it would puzzle General Charles Lee to wind up—and so I shall give it up in despair) for a long time—(meaning that I have never seen, &c., for a long time.) And I should have acknowledged them sooner, but for first one thing and then another, and lastly,——

* * * * * * *

One cause of quarrel with you, which I have now on hand, was the miserably mean, short, scanty, penurious, niggardly visit you paid us in the winter. That is not the way for a man to go and see a friend whom he has not seen, but by snatches, during the present century; but, *Deo volente*, and also, wind and weather permitting, I will show you, in the month of August, what *is* the way—for I propose to take advantage of the recess of Laura's school, in that month, to dash her over the mountains, and see if I cannot ferment a little blood into her cheeks, and jolt a little flesh upon her bones. Yet, she is in good health and spirits, and, considering the exemplary gravity of both her parents, is as volatile as either: as stuttering H—— used to say of his stuttering daughter, "I can't think who the d—d—d—d—devil the child takes after."

I enter my protest against you and the Judge, if you design such another dry visit to Washington as you made last winter: you were off before we could realize the fact of your being here.

I am, at this present, in a furious hurry, lest the mail should close on me. Judge of the pressure on me when I tell you that I had, this morning, to rise before five o'clock to business, and shall have so to do, I expect, till the meeting of the Supreme Court. Be not offended, therefore, at my brevity—knowing, as you do, that whether my letters are long or short, I am ever

Your friend,

WM. WIRT.

At this date Mr. Wirt made his first acquaintance with the Baltimore bar. A robbery of the mail, with circumstances of great atrocity ending in the murder of the driver of the mail-stage, had occurred, a short time before this, on the road leading from Baltimore to Philadelphia, within the limits of Maryland. The robbers were apprehended and committed for trial before the Circuit Court of the United States, which held its session in Baltimore. By the direction of the Government, the Attorney-General repaired thither to take a part in the prosecution. The trials came on in May. The robbers were convicted, and sentenced to death.

These trials gave occasion for an interpretation of that invidious and impolitic rule of the bar which had frustrated Gilmer's purpose of removing to Baltimore. A question arose,—how was Mr. Wirt to obtain the privilege of practising in the Courts of Maryland, in this condition of disqualification for want of residence? A native, himself, of the State, and now a resident of the District of Columbia, he would, nevertheless, have been excluded by this singular act of judicial legislation, but for the potency of his position in the government. The rule made no exception; but, it seems, the court and bar found a resource in construction, which enabled them to gratify what was well known to be the personal wish of every member of the profession in Baltimore, and the Attorney-General was accordingly admitted to all the privileges of practice at this bar, upon the ground that his official duty entitled him to that privilege in the particular cases which he had in charge from the Government.* It would seem, from the following letter, that Mr. Wirt still hoped that the same dexterity which had found a plea for his admission, might yet be favourably exerted in behalf of his young friend Gilmer.

TO FRANCIS W. GILMER.

WASHINGTON, June 1, 1818.

MY DEAR FRANCIS:

As long as my friends know how much I love them, and how continually I am occupied, they ought not, I think, to stand on punctilios

* The reader will be reminded by this incident, of the good fortune of the Attorney-General, at an earlier period of his life, by which he escaped the operation of the rule of the Virginia bar, which required one year's residence.

h me. We are sorry to hear that you have been, and still are, c. I am afraid you are starving yourself. You ought to take a ss or two of wine every day, and eke the warm bath. Your fibres, less I mistake, are too rigid, and your whole system too meagre. you think so much, and live so much like an anchorite, your brain l dry up to a crackling. Adam, who had nothing to do in the den of Eden, in the way of thought, except to prune his vines l sing morning and evening hymns, might live on grapes and cold ter; but it will not do for a fellow of the present day, whose tem, intellectual and corporeal, is wasting under severe and con- ual expenditure; especially a fellow whose corporation is so slight, t he would evaporate in the open air as soon as a phial of ether. cording to the best of my recollection, you eat enough, but there no counterpoise of drink. You must contrive to make your juices her, and your fibres softer. *Quod nota.* You ought to spend a tion of the day, too, in levity and folly, with as little exertion of ught as possible. It is not only sweet, but useful, to trifle occa- nally. The bow of Apollo will not bear perpetual stretching. A low who, both in conversation and in solitude, is perpetually on high horse, may make a very good centaur, but he will not do g for a man.

I hear you have broken a lance with the Attorney-General of the te. Did you unhorse him? They tell me there was no pomp, ostentation, no bombast, no pedantry, about you; no verbiage for biage sake: but that your words were full of thought, your style hy and elegant, and your manner manly and modest, yet energetic l cogent. That is what I like. Teach these young Virginians, by r example, the insignificance of their affected swelling and *rotundi- ation* of frothy sentences, and of their duplication and re-duplica- n, and infinite accumulation of chaotic and confounding Irish taphors. I shall never enjoy any compliment that I may hear d to you, unless it is accompanied by a compliment to the force, well as accuracy, of your thinking. I lost the best part of my life lulging the frolics of fancy, — and the consequence is, that it will e me all the rest of it to convince the world that I have common se. I am extremely anxious that, in your voyage of life, you uld commit no similar deviation, with its inevitable loss of time in aining the track. Let the first and predominant impression you ke upon the world be, that you have a mind of adequate strength the highest achievements in your profession; and, for some years, the curb rather than the spur, with your imagination. Ride the factory and curveting jade with a Mameluke bit, or she will allibly fling you in the mud, as she did me.

I have been to Baltimore, and, maugre the aforesaid rule, was en- led at the State bar, on the ground that, as the United States had ight to appear as a suitor in court, the Attorney-General had, of

course, a right to be admitted. Here is a specimen of accuracy of thinking! They did not perceive that the reason went no farther than to permit me to appear for the United States. But it was their own reason, and I am obliged to them for this obtuseness. There is a mighty harvest there, and their reapers are many; but their sickles are Lilliputian. There is but one Brobdignag scythe in the field,—and that is Pinkney's.

I wish I may not always regret your having been so easily repulsed from Baltimore. Mr. Smith spoke to me about it again, and I think you might still be admitted.

I was advised to form a partnership with some young man there,—agreeing to be called in, as a partner, only in great cases — but to have it understood that I was always open to consultation with him, even in minor ones. It was said that such a partnership would be of great advantage to any young man there, and of advantage, also, to me. I took time to think of it; — but I have never thought of it since without thinking of you. Are you fixed?

I do not feel myself at liberty to deposite the materials from which I drew the Life of Patrick Henry with the Philosophical Society. The communications were private and confidential. In several instances, things are conjecturally stated, which I have not used; rumours are sometimes given to the disadvantage of Henry, which are elsewhere refuted; — opinions are expressed to his disadvantage by some, and overthrown by a large majority of voices. In these instances, my correspondents would certainly not like to have their communications given to the world. I invited the utmost freedom of correspondence, under a promise of confidence, — and I cannot violate it.

Pope's communications I would deposite; but, in a few years, they would be alleged to have been *my whole data* — all the rest of my book would be charged to be fiction: — I am constrained, therefore, to decline this invitation.

Mr. Meriwether has forwarded from Philadelphia a volume of the Philosophical Transactions, which is now sent on to you. Mrs. W. desires to be kindly remembered, as do the children, and I am, as ever,

Your affectionate friend,

WM. WIRT.

Mr. Adams, it seems, had now published the letters which he had written to Mr. Wirt, on the revolutionary question raised by the Biography of Henry. This publication, I presume, was made in the newspapers. In referring to this fact, in a letter to Carr of the 26th of June, Wirt makes an explanation which it is proper to notice here. Alluding to the Ex-President, he says, — "He has entirely mistaken the point of honour claimed for Henry. You perceive that he has

directed his efforts to show that the *principles* of the Revolution were not started by Henry. This I never pretended. On the contrary, I have shown that the same principles had been advanced the preceding year, by the memorial, &c., of the Virginia House of Burgesses. What is claimed for Henry is, that all that was said or done, before the passage of the Stamp Act, was by way of *prevention* merely, and that, in the Virginia House of Burgesses, at least, it was done by men who showed that they meant to go no farther at that time. Whereas, Henry's resolutions, instead of being a mere measure of prevention, was a measure of *resistance* to the act after it had passed, and was the *first* measure of resistance, too.

"This explanation I mean to give Mr. Adams, with the most perfect respect, and with my thanks for the publication of his letters. In the appendix to the next edition, I think I shall publish his letters as well as mine. The third edition, I presume, is out by this time."

No further edition of the Sketches ever appeared, as the reader has already been apprised.

The door of the courts of Maryland having been opened to him upon the occasion of the government trials, the Attorney-General now became a frequent practitioner in the city of Baltimore, and in the Court of Appeals at Annapolis. On this new theatre, it was his fortune often to hold encounter with his great rival and predecessor in office, Mr. Pinkney. During a very oppressive season in August of this year, we find him engaged in a tedious cause in the County Court at Baltimore, in which he made his first essay on this forum.

"You cannot conceive," — he writes to Mrs. Wirt, — "how sick I am of this place, and how tired of this cause. When I shall get away, Heaven only knows. Purviance spoke the whole of yesterday, and goes on again to-morrow. Pinkney told me yesterday, he would refund his whole fee and advance an equal sum from his pocket, to have the reply on me in this case. I told him I would not give six pence for any position in the cause whatever: for we were to be several years before the public, in the ordinary course of human events, and that it was not by the triumph in a single cause that we were to be judged: and that, moreover, he knew very well I had no pretensions to the peculiar qualities of speaking which had made him distinguished," &c. &c.

Two days afterwards,—August 12,—he writes: "This interminable desert! The waste of Sahara is not more boundless and hot, desolate and barren! Pinkney commenced his speech to-day, and spoke throughout it. He goes on again to-morrow; then Luther Martin; then I.——Pinkney has given us his strength to-day. He is really a fine creature in his profession: has a fertile and noble mind.——I was never in so bad a humour to make a springing exertion; but I shall make it."

In a letter to Pope, dated October 13th, he says:

"I expect to go to Baltimore again early next month, and to have another grapple with Glendower Pinkney. 'The blood more stirs,' you know, 'to rouse the lion than to start the hare.' A debate with Pinkney is exercise and health. I should like to see you on his weather-bow. I verily believe you could laugh him out of court; but as for me, I am obliged to see him out in hard blows. With all his fame, I have encountered men who hit harder. I find much pleasure in meeting him. His reputation is so high that there is no disparagement in being foiled by him, and great glory in even dividing the palm. To foil him in fair fight, and in the face of the United States,—*on his own theatre, too,*—would be a crown so imperishable, that I feel a kind of youthful pleasure in preparing for the combat. This is just the true state of feeling with which I am about to enter on the practice with him."

These extracts give us some insight into the eager spirit of emulation with which Wirt came into that field which the genius of Pinkney had so strongly pre-occupied. We shall find it both amusing and instructive to note with what steady resolve and ardour of preparation that rivalry was maintained throughout the professional association of these two distinguished men, from that time forth. We have now another letter to Gilmer in the usual strain of advice. Here are some portions of it worth perusal:

TO FRANCIS W. GILMER.

WASHINGTON, November 2, 1818.

MY DEAR FRANCIS:

* * * * * *

'*Ne festinas ad divitias*,' or *locupletari*,—I forget which,—was one of the sayings of one of the wise men of old, to which I do not

subscribe, unless a man be in such a hurry as to forget his principles or the circumspection and safety of his measures. To a man who has his eye upon the race of glory, wealth is desirable in early life, because it puts his mind at ease and leaves him light and free for the course. I wish, therefore, that you had an independence. You might then shape your course *ad libitum*. I cannot think the trammels of poverty very favourable to one's ascent up the rugged steep on which Fame has thought proper to build her temple, or the poets have thought proper to build it for her. Very poor men have, indeed, rendered themselves famous; but their lives have been miserable, and their fame chiefly posthumous. Why should not a man be both rich and famous, if he can? I see no incompatibility in this. There may be danger that wealth may make a man indolent. This depends on the constitution of the character. The sting of genius may be as operative an impulse as the pinch of necessity. For myself, I am very sure that had I been at ease in point of fortune from the year 1803, I should have been a very different man in point of fame, from what I am ever likely to be as it is. Now, I have no hope, except to be able to pass my old age in independence and comparative obscurity; which, let me tell you, is rather a melancholy sort of consolation to my feelings. So, you have my mind on the subject of growing rich.

* * * * * * *

It would do you no harm to study Lord Mansfield's mode of managing nice legal questions. Read Burrows and the last volumes of the Term Reports, as also Cowper and Douglass, with a philosophic eye to the arguments both of the bench and the bar. Direct your chief aim to acquire a reputation for deep and correct thinking, leaving eloquence to shift for itself, and seeking merely to convey your ideas in the most simple, perspicuous and apposite language. There is a happy specimen of this style of argument in Horne Tooke's defence of himself in the Modern State Trials. It is as simple and clear as water from the rock: the language exactly conveys the thought, without overlapping or falling short a hair's breadth. There is not a word in it that is not very common, and yet the purity and precision create a charm incalculably superior to the cloying luxuriance of Irish oratory. An argument delivered in this style, marked by learned research, vigorous discrimination, wide comprehension, and by strong and correct judgment, will distinguish you at once as a *great man*,—a compliment never paid to the mere man of fancy. Be not in haste to raise the superstructure of your oratory. This was my fault. For want of better advice, *I began my building at the top*, and it will remain a castle in the air till the end of time. The advantage of the training I am pressing on you,—for the fortieth time, I believe,—was strikingly illustrated in the instances of Marshall and Campbell.

"From what I have heard of Campbell, I believe that, for mere

eloquence, his equal has never been seen in the United States. He and the Chief Justice went to Philadelphia to argue a cause which turned on the constitutionality of the carriage tax. It was somewhere about 1795 or 1796. They were opposed by Hamilton, Lewis, and others. Campbell played off all his Apollonian airs; but they were lost. Marshall spoke, as he always does, to the judgment merely, and for the simple purpose of convincing. Marshall was justly pronounced one of the greatest men of the country: he was followed by crowds, looked upon, and courted with every evidence of admiration and respect for the great powers of his mind. Campbell was neglected and slighted, and came home in disgust. Marshall's maxim seems always to have been, 'aim exclusively at *strength*;' and from his eminent success, I say, if I had my life to go over again, I would practise on his maxim with the most rigorous severity, until the character of my mind was established. But I would woo the Graces in secret, all the while, and, at a proper time, come out with that due mixture of reason, imagination and feeling, of which the strongest eloquence consists, — giving always a preponderance to reason, so as never to lose, nor even jeopard*ize* (with Mr. Pinkney's leave,*) the more firm and durable character I had previously gained. You see, you are in no danger of losing the benefit of my lectures. I am sure they can do you no good, for I can say nothing on the subject which has not occurred to you before. But if it serve no other purpose, I hope it will satisfy you, at least, of the warm interest I take in your success."

It is proper to notice here, that, in a trial which took place in Baltimore in the early part of this year, a misunderstanding arose between Mr. Wirt and Mr. Pinkney, which produced some sharp passages between them, the consequences of which were, for a time, regarded with painful interest by their friends. A demand for an explanation was made by Mr. Wirt, and a short correspondence ensued, which, happily, led the way to an adjustment in every respect honourable to both. The counsel of discreet friends, and the good sense of the principal parties themselves, averted a conflict which could not have occurred without bringing upon the actors in it a large amount of public reprobation. The resort to the duel is bad enough in hot-headed and thoughtless youth, in whom an unripe judgment or the foolish sway of passion is supposed to mitigate the enormity of the

* Mr. Pinkney's aversion to this substitute for the more genuine word "jeopard" was well known, and frequently furnished a point of criticism to the bar.

crime; but in mature and reflecting manhood, which should disdain the frivolity of peevish anger, and the vulgar affectation of refinement in false honour, and especially when this concurs with high rank and responsible station, — themselves implying a pledge to the world to give examples of conduct for study and imitation, — it cannot but be regarded as the tyranny of a most wicked custom which can force such men to this worst of all arbitrements. At the time to which this event refers, this tyranny of custom swayed the society of Maryland with a dominion too absolute for the resistance even of such men as those. Public opinion, we are happy to believe, has, since that day, visibly taken its ply in the opposite direction; and we may hope that the true moral of social duty is fast attaining that influence which shall confer dignity and applause upon the virtue that fears no shame so much as it fears the crime of breaking the law of God and man.

I conclude this chapter with a letter which expresses a sentiment in entire harmony with the general conduct of the writer, and characteristic of his aversion from all ostentatious exhibition of himself to the public. Its remarks upon the difficulty of writing biography in the true spirit of justice to the subject, will meet a ready assent from the reader.

TO JOSEPH DELAPLAINE, PHILADELPHIA.

WASHINGTON, November 5, 1818.

DEAR SIR:

I have just received your letter of the 2d instant, and am very sensible of the compliment you pay me in supposing my portrait worthy of a place on the walls of your National Gallery. But even if I could bring myself to believe that I had any claim to such a distinction, I could not accede to your proposal, in its present form; for there would still be, in my view of the subject, a morbid vanity and ostentation in *paying* for a place among your portraits, at which both my judgment and feelings revolt. To *solicit* an honour, is and has ever been contrary to my notions of delicacy; but to *pay* for one, would be far more intolerable to me than total and never-ending obscurity. It would indicate a sickly and over-weening anxiety for the public gaze, which I never felt, and to the imputation of which I cannot consent to subject myself. I hope, therefore, you will excuse me for declining your proposal.

I thank you for your compliment to my Patrick Henry, and am glad to learn that we are to have the third half volume of the Reposi-

tory in a few days. Will you give me leave to make one confidential suggestion on the subject of this work? I doubt extremely the propriety of publishing biographies of living characters: for, inasmuch as no man has ever been faultless throughout his life, such a biography must either inflict unauthorized pain, or offend against historical veracity by suppressing the truth. I was applied to, some time since, to furnish a biographical sketch of the present Chief Justice of the United States, for another work. I had not time for the work; but if I had had ever so much, I would not have undertaken it, because I once heard him utter a sentiment on this subject, which I am sure is that of every man who has just pretensions to modesty and delicacy—"I hope to God they will let me alone till I am dead." Your biographies are censured as being too flattering representations. The characters, it is said, are such characters as never did and never will live—for, they are all angelic purity. And it will be exceedingly difficult to avoid this imputation as long as you deal in living subjects. You may show the bright side of the character, truly: but you cannot show the *sombre* strokes that shade it, without giving more pain than a kind spirit is disposed to inflict. And if you hold up a *perfect* model to your readers, you will lose that confidence in your representations, without which an historian cannot live. You see what has been said of my Sketches of Henry. Some of the reviewers treat it as a romance—and yet I have introduced into it every charge, both against his public and private character, I have ever heard. Still it is censured, as attributing to him a perfection of character which is utterly incompatible with human frailty—and whether this impression, although erroneous in point of fact, may not ultimately put an end to the circulation of the work, it is impossible to predict.

But are not your biographies in still greater danger? Are not your heroes still more faultless than mine? I make this suggestion through good will to your work, for I wish it to succeed. If it had no other merit than that of preserving correct likenesses of distinguished men, it would still be highly worthy of the public patronage; and if, in addition to this, it may, in times to come, be appealed to, as an authentic collection of biographical facts and characters, you will be justly entitled, I think, to a place among the first literary benefactors of our country.

I am, dear sir, &c.,

WM. WIRT.

CHAPTER V.

1819.

PRACTICE IN THE SUPREME COURT. — THE CASE OF M'CULLOCH AND THE STATE OF MARYLAND. — THE DARTMOUTH COLLEGE CASE. — INCREASE OF REPUTATION. — LETTERS TO CARR, POPE, AND MRS. SMITH.

DURING the first term of the Supreme Court, after Mr. Wirt's appointment to the post of Attorney-General, — the term which commenced in February, 1818, — he argued but few cases, and those of a character which were not calculated to attract public attention. The succeeding term of the Court was one of great interest to the country, from the importance of the causes which were brought before it; and of not less concern to the reputation of the Attorney-General, for the part assigned to him in the argument of constitutional questions of the highest significance both in our political and juridical history.

This period may be considered as that of the entrance of Mr. Wirt upon the highest level of his professional march. We have seen him toiling upward, from plane to plane in this career, with a sturdy and buoyant step that never faltered or fell back; making good the ground he had gained, by diligent study and solid accumulation of strength; — animated by the good opinion of friends, and still more persuaded to his ever-present task, by a cheerful and sanguine ambition which threw a pleasant ray of hope over every labour. He had now arrived at that stage in his journey, when the next step was to plant his foot upon the summit whose dazzling beauties, in a remote perspective, had lured the eye of his youth, and whose sunny radiance now not less warmed the fancy of his vigorous manhood. In such a career of thoughtful and persevering effort, — where the student, exacting nothing from fortune, and seeking no conquest but that which is won by dint of intellect, occupies no ground that does not fairly become his own by the title of honourable industry,—it seldom

falls out that the reality is less attractive than the expectation, or that the performance achieved does not answer to the promise which first stimulated endeavour. Unlike the gaudy shows of a false ambition, whose glitter is discerned to be but tinsel when the aspirant approaches his goal, the fame that is earned by the diligent and honest use of the godlike faculties of mind, sparkles with richer lustre as its object comes nearer to view, and sheds a divine content into the heart, which no dreamings, when afar off, can over-colour or exaggerate.

The term of 1819 is distinguished, in the annals of the Supreme Court, by the occurrence of two cases of more than ordinary weight, as connected with the political affairs of the nation: the decisions in these cases have become precedents in the establishment — as far as the highest judicial tribunal *can* establish any thing — of some of the most momentous principles of our government. I allude to the case of McCulloch against the State of Maryland, and that of the Dartmouth College against Woodward.

In the first of these, the great question of the constitutionality of a Bank of the United States, was, for the first time, submitted to the decision of the Supreme Judiciary of the Union. In the second, a question of scarcely inferior moment, — the inviolability of charters and their protection by the power of the Federal Government, — was, in like manner, the subject of discussion and decision.

The Attorney-General was retained in both: in the first, by the government, in support of the Bank; — in the second, by the defendant, against the College.

I do not intend even to give an outline of these trials. Nor, indeed, is it my purpose, in this narrative, to encumber its pages with the particulars which belong to Mr. Wirt's professional career, either in his official or private engagements. Such a labour would be found only to fatigue the reader who takes no interest in the proceedings of courts of law, whilst it would necessarily afford but little gratification to those whose habitual perusal of the volumes of our reporters have rendered them familiar with the cases argued by the Attorney-General.

In what I may select, therefore, for casual notice, I shall be guided chiefly by the duty of exhibiting the subject of my memoirs in his connection with trials and decisions which have interest for the public at large, or which may serve to illustrate the more striking features

of his mind. In the performance of this duty, I shall not forget the propriety of making my reference as brief as the occasion may allow.

In the case of McCulloch against the State of Maryland, Wirt found himself surrounded by the most eminent and powerful talents of the nation. On the side of the plaintiff, in this cause, Webster and Pinkney were his associates. They were opposed by Martin, Jones and Hopkinson. An array of names more distinguished in the field of American jurisprudence, we may say, without disparagement to the reputation of the most celebrated men of the national bar, has never been presented in any case in the country. The tribunal itself was, at that day, the centre of all observation, for its august power, dignity and public trust, — "a holy sanctuary," — a "more than Amphictyonic council," — as Mr. Pinkney described it in his speech on the occasion. The chief question at issue in the cause, was one which had perplexed the gravest minds; had even then been interwoven into the party politics of the country; and though decided by the most authoritative political organs, had not yet passed through the crucible of investigation in this high national court.

In such a cause as this, at such a time, we may suppose the new Attorney-General would draw upon himself a close and curious observation. They who stood upon the same professional level with him, might be expected to criticise his efforts with the severity of rivals. His especial friends would regard him with, perhaps, an exaggerated favour. The public spectators would be variously influenced by their personal or political affinities or prejudices. A small number of judicious and impartial observers would decide upon his forensic character according to its merits. Amongst them all, there was not one who would be likely to pass a more rigid judgment upon the proceeding, than Wirt himself. With the simplicity and trustfulness of an ingenuous youth not yet emancipated from his college walls, the Attorney-General entered that exciting arena, and, having done his duty there, spoke out, we doubt not, with equal freedom, his exultation at what he thought commendable in his performance, and his confession of whatever he conceived to be his defects, — a point upon which we have frequently seen that he exercised no unsparing censure. Keenly alive to applause, as every one acquainted with him knew him to be,

no man was ever moved by a more sincere and modest temper of self-criticism than he.

Mr. Pinkney's speech on this trial, has the reputation of being one of his best. Strong, certainly, it was; if the applause of the day, or the memory of those present, is to be trusted for its report. Mr. Wheaton has been able to furnish, in his biography of Mr. Pinkney, a more full and characteristic transcript of this speech than he thought it necessary to supply in his official report of the case, and thus has given it an advantage over those both of Mr. Webster and Mr. Wirt. It is distinguished for its perspicacity, its comprehensive and philosophic view of the subject, its clear and accurate logic, and for the convincing power with which it sustains its propositions.

Of the speeches of Mr. Webster, who opened the cause, and of Mr. Wirt, who followed Mr. Hopkinson, we have but mere sketches, intended only to present the points to which their arguments were directed, with such brief illustration as is usually to be found in a report for the use of the profession. We cannot, therefore, without injustice, compare these sketches with that more complete impression which Mr. Wheaton has preserved of the speech of their renowned colleague.

In the Dartmouth College case, the Attorney-General was associated with Mr. Holmes: their opponents were Messrs. Webster and Hopkinson, who appeared for the plaintiffs in error — the College.

Mr. Webster's argument in this case has the same advantage that Pinkney's had in the former, — that of being more fully reported. Like that, it overshadows the other speeches in the cause, and is memorable for its great power, and full and learned discussion of the subject.

Of Wirt's argument in each of these cases, it is sufficient to say, that it fully justified public expectation, and answered to the high estimate which had been made of his abilities. It is, perhaps, still more in praise of these arguments to add, that they satisfied himself. In a letter written by Mr. Webster from Boston, soon after these trials, to Mr. Wirt, in speaking of the College case, which had excited a special interest in New England,—and particularly of Wirt's argument, — he remarks: "It is the universal opinion in this quarter, amongst all who have inquired or heard about the cause, that that

argument was a full, able and most eloquent exposition of the rights of the defendant. I will add that, in my opinion, no future discussion of the questions involved in the cause, either at the bar or on the bench, will bring forth, on the part of the defendant, any important idea which was not argued, expanded and pressed in the argument alluded to."

These cases have now been enrolled amongst the highest judicial precedents of the country, as establishing, in the first, the constitutionality of a national bank, and its immunity from the taxing power of the States; and in the second, the point, that an act of incorporation by a State, in certain conditions, possesses the character of a contract, which it is the duty of the Federal Government to protect from infringement by State legislation.

We may note that the Attorney-General was on "the winning side," in the first case, but not so fortunate in the second.

I now turn, once more, from these subjects of public interest, to others of more social aspect, and close my memoranda of this year with the letters which follow.

TO JUDGE CARR.

WASHINGTON, October 12, 1819.

MY DEAR FRIEND:

I am much obliged to you for your kind abuse of the 10th, and wish I could provoke you so to abuse me often.

* * * * * * *

No, my friend, in the light in which you regard the subject I ought not to complain. The portion of fame, small as it is, which I have acquired, is more than I have deserved by my own conduct. It has been snatched by a few desultory capers, in sport, and not earned by any steady and systematic exertion; and, even in this light, I am provoked at myself, when I consider that what I have gained, and the way in which I have gained it, proves only how much more might have been gained by a proper use of my time. I have done nothing that deserves the name of exertion even in reference to fame. In short, I have been a lazy, worthless rascal, and do not deserve the thousandth part of the good fortune I have had. Now, I think were I able to leave the bar and fly to literature, I have still youth and spirits enough to produce some work that should have sufficient weight of worth to last to after times. But it is a poor business to be standing on the shore of life and sighing at the retrospect of abused and

squandered time, or wasting the soul in unavailing wishes for a change of situation which mere wishes never did and never can bring about.

I am amused, however, when I see people looking at me, here, in the place of my origin, and almost hearing them think and say to their children, "See, now, what a man can do by *good conduct* and *an industrious application to business:* that man, who is, now, the first law officer of the United States, was, a few years ago, a poor, obscure boy, without fortune, friends or patron; yet see to what a height he has raised himself—go thou and do likewise." Good conduct and an industrious application to business!! What a satire do I feel it! God only knows how and why I have been thus shoved and pushed along in life. I declare to you, in the sincerity of my soul, and not from any weak and foolish disposition to fish for compliments, that I consider the unmerited good fortune I have experienced in life, as one among the strongest arguments of an over-ruling Providence, and as being, in truth, a deep reproach on my indiscretion and indolence; for, as to good conduct, I have acted with the most careless and daring indifference to the opinion of the world; and, as to application to business, I can truly say that I never *studied* any one thing in my life. I have lived at random; reading from amusement or curiosity, or occasional necessity, and, therefore, never *mastering* anything—and labouring at nothing, except to conceal my ignorance from the world. You know me well enough to know that this is the truth, and, therefore, can judge whether it is in my nature to derive much pleasure from my mite of literary reputation and the way in which I have gained it. Yet, only read the enclosed letters, and would you not be half inclined (if you did not know me,) to suppose me the Mæcenas of this Augustan age? It is with a heavy heart, I confess, that I take this view of the subject, and when I look at Monroe and Crawford, and see and hear them, I am made still more sad. They have earned their fame by hard knocks, and deserve to stand where they are. They are well informed on all the subjects they have to manage. —— has, by mining, and diving, and working, and by indefatigable practice, overcome the original dulness, and sloth, and confusion, and inaccuracy of his understanding, and acquired a mastery of the whole circle of political subjects and a promptitude and decision which give him, when engaged in business, the air of native and superior genius. Laurels so earned may be worn with pleasure; not those which are dropped on a man's head by chance, or placed there by partiality, or by the waywardness of destiny. Yet, as the celebrated Simon Smith said, "I will bear my sorrows like a fool." I have wished and said and do still wish and say, "Would to Heaven that we had been never parted!" We were young and happy, and beginning hopefully. Had it been my good fortune to live with your magisterial whip over my head from that time to this, I should have been able to look up and look forward with more confidence. Now

we have waxed old and the day has gone by. You speak of your procrastination and laziness. O! had I your industry. But Heaven's will be done! By-the-bye, my dear friend, when you return I shall insist on a sight of those same Shandyisms which Frank has mentioned to me, and you, I think, promised to show me. Now, had we lived together, I should have put the rowels into the sides of your retiring diffidence and pushed your merit into open day; in return for which you would have held my forwardness in check until it was better supported by solid attainments. Welded together, what a fine fellow we should have made! This, you see, is a specimen of my modesty: but I will do myself the justice to declare that in such a welding I should have counted on your contributing to it all that was solid and valuable. I do think, however, that my stimulating friskiness of spirits and temper would have goaded you out of the shade in which your own modesty has kept you.

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God bless you. Your friend,

WM. WIRT.

TO WILLIAM POPE.

WASHINGTON, October 27, 1819.

MY DEAR POPE:

I am indebted to you for three or four *Popiana*, which I wish it was in my power to pay in like *coin*—but this would be impossible, even if I had time; and is doubly impossible, since I have not. There is none like you, on this earth,—no, not one. Of you, it may be truly said, that you have lived all the days of your life,—and so it will be, 'till you shall be no more seen of men. And so it should be—for if the innocent are not entitled to be happy, who is? I call you innocent, notwithstanding your vicinity to "that vile, nefarious county of Goochland," and notwithstanding several other exposures to the danger of bad example; "I call you a *sauldier*—but you're an unfortunate sauldier." Do you remember the moonlight return from the theatre?—"Say no more, Trim." * * * * How these tales of the olden times come, as Ossian says, "like shadows o'er the soul"—or words to that effect!

I am glad that my letter proved so medicinal to my friends Bullock and Price. Would I had been among you, *in propria persona!* But "the days are *gone* that we have seen"—"John Anderson my Joe!" The truth is, there is nothing like life out of the Old Dominion; and back I will go, again, if I shall ever see the time when I can live without hard work: that is, if the scene is not so changed by death or removal, in the mean time, as to make the return more painful than pleasant. As to you, to die would be so entirely out of your character, that I expect no such bad conduct at your hands.

Come and see us this winter. Dabney Carr will be here. The Senate Chamber and Hall of Representatives are finished in a style surpassing any thing that it hath ever before entered into the heart of man to conceive, and the sight of them is better worth a trip across the Atlantic than Harper's Ferry. Besides, we shall have a most flaming debate on Spanish affairs, in consequence of the rejection of our treaty by Spain; and John Randolph of Roanoke will be there with his Indian tomahawk and scalping-knife;—to say nothing of the Supreme Court and the Maryland Lion. Among other attractions, we have, in the hall of Representatives, a beautiful statue of History and a colossal statue of Liberty, (or of the genius of America, as it is sometimes called) which I am sure was modelled upon your idea of a Venus. * * * You are mistaken;—it was not Archer who undertook to apprise you of my being at Clarke's:—it was that nefarious fellow Branch, who came back from Archy Robertson's, and, with a most solemn face, assured us that he had enclosed to O'Reilly a letter to you, giving this information, and requesting O'Reilly to send it over as soon as it should arrive. I thought I could see a lie lurking in the corner of Branch's eye all the while.

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How is our trusty and well-beloved Morris, and what does he think of the signs of the times? Does his federal *deuteroscopy* (a pretty tough word, for a tough idea) espy a speck of war in the horizon? Pray give my love to him, and assure him of my unalterable affection for him;—I would add respect—if the spiritless dog would place himself, where his talents demand that he should, "in the very focus of public observation." His friends ought to hang upon him and haunt him like a ghost, and suck his blood like vampires, 'till he places on a candlestick and on a hill, that candle which God never lighted to be put under a bushel. Tell Mrs. M—— this, and set her at him. I mistake her much if she would not enjoy that celebrity which would be the *inevitable* and *speedy* consequence of his following this advice, which I have pressed upon him more than once. He ought to practise in the federal Circuit Court at Richmond, as an avenue to the Supreme Court, in following up some appeal. He ought to be here in the national focus: and he deserves to be —— for not having put himself in a way to come here. But he is young enough to retrieve with ease the ground which his want of enterprise has hitherto lost. I am very much in earnest in this affair, and pray you to form a combination of his friends to press it on him. I almost envy you your jaunt with him; and I should envy him his jaunt with you, if I could envy so excellent a fellow any enjoyment. *Great upon the road*, say you?—He is great every where. But the rascal ought to be thrashed, for not "filling more space," as Barbour says, "in the public eye." It is his own fault.

We have nothing like news among us, beyond what you have seen i the papers. The President is still at his farm in Loudon, and Mr. alhoun has not yet returned from South Carolina. The young folks ıy the city is dull;—but to me it is merely tranquil. I have scribbled ıe first thing that came into my head—and, the mail hour being at and, must close.

Give our love to dear Mrs. Pope and Lucy Ann. May Heaven less you and them with its choicest blessings! Pray let me hear om you as often as you have leisure and inclination.

I go to Baltimore again, next month, to take the bull by the horns. arewell. Your friend,

WM. WIRT.

TO MRS. LUCY F. SMITH OF WILLIAMSBURG.

WASHINGTON, November 3, 1819.

[Y DEAR MADAM:*

I thank you very sincerely, for your letter of the 28th ult., which received yesterday.

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We take it for granted, when you come to this same convention in lexandria, you will give us all the time you can spare from your piritual concerns. We are only six miles off, and I will promise to e on my best behaviour,—that is to say, "as grave as any judge." hough, to speak the truth, I believe you would like, a good deal etter, to see me in my didos and tantrums. Mr. Rice and all good hristians admit that gaiety of heart is not only compatible with hristianity, but, as I think too, one of its badges. However, we can ettle this point when we meet. * * * * Let us e: I think we were both twenty-seven. However, I will not say

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* This lady was an early and cherished friend of he Attorney-General. he was the daughter of Doctor Read of Richmond, a gentleman, who, wards the close of his life, lived in Norfolk. When Wirt first came to ichmond, she was the wife of Mr. Meriweather Jones, well known as the roprietor of "The Examiner," a paper which subsequently fell into the ands of Mr. Ritchie, and was the origin of "The Enquirer." Wirt was r a time, an inmate in the family of Mr. Jones. A few years after Mr. ones' death, his widow was married to Colonel Smith, who, being Governor f the State of Virginia, perished in the conflagration of the Richmond eatre, under that horrible mistake, as to the safety of his wife, which we ave heretofore noticed, and which led to the heroic effort for her rescue at cost him his life.

This lady was distinguished for her amiable character, fine and cultivated lents, and, even more, for her cheerful temper, which, as the reader will fer from this letter, had been mellowed by the painful trials of her life, nto the calm and thoughtful tone of religious resignation.

anything of this when you come to the seat of the national government, and,—as poor Botts directed the stenographers in relation to MacRae, (then just courting his wife,)—"set you down at twenty-seven" still, if you choose.

You charm me with your account of the trip to Albemarle. It is a beautiful country,—yet I should not, myself, have much pleasure in visiting it. The society is so much altered,—that of Pen Park, in particular, altogether broken up. And there are some recollections too keen to be borne. Enough.

You owe me no apology, my dear friend, for the advice you were so good as to give me. It is excellent, and intended for my happiness. I am not so thankless as to feel resentment against the kind hand that would conduct me to Heaven. It is true, I feel myself very unfit for that society yet. "Hope," however, you know, "travels through, nor quits us till we die."

By-the-bye, we have an excellent preacher here, a Mr. Post, a friend of our Rice friends. He is meek, humble, sincere, devout, zealous: it is impossible to hear him without being convinced that his whole soul is engaged in his office,—but he has not yet succeeded in producing those high effects of eloquence which you witnessed in Albemarle, from the preaching of Mr. Rice. Are you sure that you have not over-coloured that scene? I suspect you were too much blinded by your own tears to see those of others. Not that I doubt Mr. Rice's powers, for I know and have felt them myself; but that the people of Albemarle were not wont to be much given to the melting mood on such occasions. This, however, is almost a new generation, and, I will hope, more piously disposed than their ancestors There used to be about a dozen men of parts and wit and humour, original and strong characters, scattered through Albemarle, who kept the whole county laughing so incessantly that they had no time to cry, nor even to become serious in the intervals of the paroxysms:—that, we both know experimentally, is not the best preparatory society for a religious life. You have seen the fruits of such examples in the laughing characters of the Gilmers and myself, who were fresh from that school when you first knew us. It was not that mere gaiety of heart which may consist with the deepest reflection and the most intense feelings of religion; but a reckless, heedless, heels-over-head volubility which dissipated every thing that deserved the name of feeling or reflection. Its only palliative was that there was no malignity about it, and that there were occasional gleams of kindness and benevolence, with, now and then, a lucid moment of intelligence. And yet, at the time, we thought there was no life like it. To tell the honest, naked truth,—I can't help thinking, yet, that there was a good deal of fun in it, though, perhaps, it scarcely deserved so staid and settled a name as that of enjoyment.

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How few, my dear friend, how very few, of that laughing circle you used to have around you, can we count! Every one who contributed to its gaiety, gone! And yet how fresh is the whole group before my imagination, in the pause I have just made! I could actually see and hear them. Bache's sly, dry, comic drollery; Foushee's broad laugh; and so with the peculiarity of every member of that mad, merry circle. There were fine intellects in that group. It is not often that I have coped with such minds as those, — male and female. But their lights are all extinguished; and three or four, only, of us are left to mourn the loss of our own departed and irrevocable time, — of which I, at least, I own it, have made but a poor use. There was something mournfully sudden in the destruction of that circle. The death of one seemed to be the signal for that of all. Were there more than five years from the first to the last?

This is a subject which, whenever it is started, I know not how to quit; — a proof, no doubt, that I have yet too much pleasure in the recollection of those follies to have repented of them with sufficient contrition. I do frankly confess, if it be a sin that the memory of that circle, and of every member of it, should be very dear to me, I am guilty of that sin.

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I did not expect, when I began, to write more than twenty lines, — but old age, you may have *heard*, will be garrulous. Farewell: and if you will accept the prayers of a sinner, may Heaven bless you to the summit of your wishes, both here and hereafter!

Your friend,

WM. WIRT.

TO JUDGE CARR.

WASHINGTON, December 29, 1819.

MY DEAR FRIEND:

I freely admit your plea of procrastination, in doing which I do only as I would be done unto. Your practice is, I hope, not so singular as to amount to a crime; for my own part, I plead guilty to it, and much do I envy the happy habits of those who do everything at the proper time, since in no other way can it be well done. We who put off to the last pinch and then sit down and "work like Turks," never give our minds fair play; for our minds will no more work upon compulsion than we will; and then when we appear in public with our stinted preparation, to cope with fellows cased in Achillean armour, we are set down as comparative pigmies. Commend me to such a fellow as Pinkney, who sacrifices, at the altar of professional ambition, all his love of ease and pleasure, and even that strong tendency to repose to which his age, his corpulence, and the ample honours he has already won, must conspire so powerfully to dispose him! Or rather, commend me to such a man as "the honourable Thomas,"

who, with the most engaging urbanity of social intercourse and the highest inspirations of native talents, blended the perseverance and system of the closest mechanical drudge; and verily, I say unto you, he has his reward. He never omitted to do what he ought to do, and he never did anything that was not done in the very best style. Now, sir, when I abused myself as I did to you, I had such a man as that in my mind's eye; one who, by the most laudable exertions, had raised himself to the highest point of which nature had made him capable. I know (modesty apart,) that I had sufficient natural capacity to have gone the round of the sciences: I know that I might have acquired all that it was desirable for me to know, not as a professional man merely, but as a gentleman and scholar. It is the reflection of what I might have been and what I am that stings and shames me; and surely I may pour out this ingenuous confession into the bosom of a friend, without being suspected, as I fear I was, of making disqualifying speeches, with the view of extracting an eulogy in return. I beg pardon of Providence for having subjected it to such a tirade, on no other account than having protected and favoured a poor fellow who stood very much in need of such a friend, and who had no wickedness of heart to render him entirely unworthy of it. But when a fellow gets along, as I have done, without any exertion on his own part, and with the consciousness of having neglected all the means necessary to such an end, what is he to think of it, if he believes in a Providence at all, that rules the world? And who but such a wicked philosopher as yourself would have thought of deducing from such a pious acknowledgment, the impious conclusions which you draw from it? So, I am not to thank Providence for a benefit, but I instantly give myself the right to saddle it with all my crimes! —on the notion that the doctrine of a particular Providence destroys, at once, all freedom of will on the part of the creature, and, consequently, releases him from all responsibility for his misdeeds. And pray, sir, do you not exercise a particular providence over your family? If so, how have you ever presumed to reprove your children or servants for their faults? You drive the meaning of a special or particular Providence far beyond my purpose. I do not mean by it that the interference is perpetual, and that it exerts itself in prompting, suggesting and controlling all our thoughts, words and actions. If this were my position, your consequences, I admit, would follow; for our thoughts, words and actions would then be fairly chargeable on their author. But I can see nothing mysterious, or inconsistent with the acknowledged attributes of the Deity, in the belief that he made us, as Milton says, "free to fall, though capable to stand." Nor do I see anything mysterious or inconsistent with these attributes, in the opinion that Providence does sometimes interpose directly in the affairs of mortals, to shield the innocent, to disappoint the wicked, and to help the poor and distressed in their great time of need;—an opinion

m which I derive no small comfort at this present writing. Does ollow from these occasional interferences, that Providence is the hor of all the wickedness that is thought, and said, and done in this vile world? Does such an interference amount to a destruc- n of the freedom of human agency, and a settled predestination as every event? However, by way of avoiding rather than courting a itless discussion of this subject, let me recommend to your serious usal a work of Doctor Chalmers' on Christianity. It is a small rk, which you will soon read; and then his Astronomical Discourses, ich, if they will not convince, will reward you for the trouble of perusal, by their amazing reaches of thought and their magnificent quence.

For all you so kindly say of me, my wife says, "May Heaven ss you;"—from which, I infer, she thinks as I do, that your friend- p has done me rather more than justice. However, instead of re disqualifying speeches, it will be wiser to follow your counsel, repairing acknowledged deficiencies; and if I had a twenty years' se of my life, I might be fit to live, by the time I come to die. t I will give these fellows a hustle for their eminence yet, if I am red in health for a few years. So, you see the modest fit is ng off.

You are to know that I have taken to rising to my studies by five lock in the morning, and I begin to feel the better of it already. is morning I have burned out a great part of two candles, up in room in which you used to sleep. I am still there, for it is not breakfast time, and, on opening my window, I find a most exhila- ing snow falling, which I think I have told you is always a cheer- spectacle to me. On the present occasion it is doubly cheering, you are to know that I am interested in a valuable cannon-foundry James River, whose operations have been almost stopped this fall the want of water.

December 31st.

Interrupted,—and have had no opportunity till now to resume the ead of my discourse. And now I am under the expectation, ry moment, of being called on for an official opinion which I have yet finished.

'The Essays of a Mother" are as well adapted to their purpose as nklin himself could have made them. I must tell you, sir, with- being accused or even suspected of flattery, that you have a light- s, and, at the same time, a vigour of pen which Voltaire himself ght not have disdained to own.

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As to these aforesaid Shandyisms,—I take it for granted that you it us this winter, (without being tied to Holmes' apron-string,) and t you will bring the aforesaid with you.

Would that I could visit you! But when, or how?—not when or *where?* It is very certain if this world was not made for Cæsar, neither was it made for me; for I have no more liberty of locomotion in it, than if I were chained to the oar of a Spanish galley.

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Mrs. Wirt and our children join in love to you and yours, and wish you all the pastime of the season.

Yours ever,

WM. WIRT.

CHAPTER VI.

1820.

QUIET PROFESSIONAL LIFE.—THE MISSOURI QUESTION.—LETTER TO CARR.—PARTICULARS RELATING TO DECATUR.—LETTER TO HIS DAUGHTER.—VISIT TO SHANNONDALE.—ENGAGED IN THE BANK PROSECUTIONS IN MARYLAND.—BEL AIR.—A VISIT TO WEST POINT.

IN the smooth, deep current of successful professional life, upon which the Attorney-General was now borne, I find, as in some previous epochs, a natural dearth of incident to furnish topics for my narrative. The strength which was working out his fame and placing him in the rank of master intellects, which was bringing affluence to his enjoyment, and refinement to his fireside, wrought its achievements in the quiet career of study and official occupation, showing the traces of its progress rather in the ends it attained than in the incidents of its advance.

In a letter to his old friend Judge Tucker, from whom he had now been separated for more than two years, he writes,—"My duties are laborious, and engross me almost entirely. Yet you will do me great injustice if you do not believe that I think of you always with affection,—tenderly, warmly and deeply. The frequent and happy occasions in which we have practised on Horace's maxim—*dulce est desipere in loco*—rise in my recollection with feelings which it would not be very manly to confess in full. You can easily imagine them.

Adverse as every circumstance now seems to be to such a calculation, and gloomy and forbidding as the times are to all that is joyous and even cheerful, I cannot give up the hope that we may yet again renew those scenes of innocent festivity."

The date of this letter — January, 1820 — will remind the reader that the allusion, in the concluding lines of this extract, is to the unhappy state of affairs produced by the pendency of that great question which agitated the country, upon the application of Missouri to be admitted into the Union. It was then under discussion in Congress. The public mind was disturbed with the most anxious apprehension as to the result. The settlement of this question, then deemed so portentous to the Union, hung in a doubtful scale, and its influence was every where visible in imparting a sombre tone to the reflections which it excited. Happily, the genius of compromise and forbearance came to the aid of the national councils on that occasion, disarmed the controversy of its threatened mischiefs, and established a peace which, we had hoped, was never to be broken. Events of more recent date, which have revived some of the exasperations of the topic of that day, furnish a new motive to the statesmen of the present time to study this passage in the history of the country, that they may walk in the light of the experience it teaches to guide the State safely through the same perils. It was a common opinion of 1820, that the fate of the Federal Government was involved in the issue then pending. Some alarmists fancy that, in the later revivals of the same question, they see the same disaster. We do not pretend to undervalue the real danger of that frenzy which political partizanship may raise in the mind of the nation upon such a topic; but we have never believed that, either in the year to which we refer, or at any subsequent period, has that subject — allowing to it all the importance which any one has ever claimed for it — had such overmastering control of the judgment and good sense of the country, as to place itself beyond the limit of the same beneficent spirit of compromise which rendered it impotent to disturb the Union in 1820. It is a weapon of offence only in the hands of political prize-fighters. The direct *interest* in the integrity of the Union, which renders its preservation a question of personal welfare to every citizen, and of safety to every state, — to say nothing of that higher glory, the love

of country, which rises above all sectional attachments, — will always be found sufficiently potent, in the hour of need, to subdue the factious rage of disorganizers, and to compel the surrender of those extreme points of difference which, on either side, may threaten the peace or disturb the harmony of the country.

The following letter refers to another incident which, though of a personal character, scarcely less attracted the public notice, for a brief space, than the last:

TO JUDGE CARR.

WASHINGTON, April 2, 1820.

I thank you, my dear friend, for your short letter, which I would have sooner answered but for causes beyond my control. Instead of attempting to give you an account of the quarrel between our lamented Decatur and Barron, I propose to send you, in this, a copy of their correspondence, which we are promised from the Intelligencer press to-morrow. Decatur showed me this correspondence, in confidence, late last fall, so far as it had then gone; and I used every effort to prevent the fight, which he was very far from wishing to bring on, but which he considered as forced upon him in such a way, that there was no avoiding it but by disavowing what he had really said and thought of Barron; and of this I need not say he was incapable. He did not approve of duelling.

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He then passed to his own case. Fighting, he said, was his profession, and it would be impossible for him to keep his station and preserve his respectability without showing himself ready, at all times, to answer the call of any one who bore the name of a gentleman.

After my return from Baltimore, I heard nothing more of it 'till he was brought home mortally wounded; and then I saw him no more 'till he was a corpse. As I stood near him, alone, and looked at his dead face, marked, as it still was, with the last traces of his departed spirit, I could not help saying—"What is life, and what all the glory that this world can give?" The soliloquy is not a very novel one, indeed. I have made it, in common with others, a thousand times before, but I never felt its force till then; for never, 'till then, had I seen the corpse of such a man. You knew him, I believe, only as a hero. I ought to have made it my business to bring you to know each other individually. Could I have foreseen such an event as this, I would have done so. But what good would it have done? It would have made you feel his loss the more sensibly, for you would have mourned, instead of merely lamenting the loss of a hero. They

both fell at the shot, which was so simultaneous that the report of two pistols could not be heard by those who stood out of sight, though close within ear-shot. This I heard from Commodore Porter, who was standing thus with Rogers. He exclaimed immediately,—"One of them is killed, for there is only one shot." Very different was the scene when he got to the ground. Decatur was apparently shot dead: he revived after a while, and he and Barron held a parley as they lay on the ground. Doctor Washington, who got up just then, says that it reminded him of the closing scene of a tragedy—Hamlet and Laertes. Barron proposed that they should make friends before they met in Heaven, (for he supposed they would both die immediately.) Decatur said he had never been his enemy, that he freely forgave him his death—though he could not forgive those who had stimulated him to seek his life. One report says that Barron exclaimed "Would to God you had said thus much yesterday!" It is certain that the parley was a friendly one, and that they parted in peace. Decatur knew he was to die, and his only sorrow was that he had not died in the service of his country. It is believed that Barron will recover—though this is far from certain. The papers will have told you every thing as to Decatur's funeral procession, &c.

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Give our love to your *fireside*, for I suppose this snow has reached at least to Winchester. And may Heaven bless you all, and keep you warm and comfortable.

Your friend,

WM. WIRT.

We have now a playful and instructive letter to his daughter, who had gone to the country to attend the wedding of a friend.

TO LAURA H. WIRT.

WASHINGTON, Tuesday, May 23, 1820.

Such a splash as we had at Mr. Law's yesterday! Near a hundred gentlemen: all the farmers of Prince George's county for many miles around, and all the gentry from Washington. And no more ceremony, and quite as much festivity and playfulness, as among a flock of children just broke loose from school. Anthrobus,* with his white horse rearing up perpendicularly half a dozen times, from impatience to start;—and his English servant, to be even with his master, dancing off, in short jumps, for about forty yards; then giving whip and spur and dashing through Mr. Law's clover-field, like a thunderbolt, to get

* Chargé d'affaires in the British Legation.

to the gate before his master, who was driving at the rate of twelve miles an hour! Then such a rattling of carriages and clattering of horses' hoofs! But first, such a dinner!—But before that, such fine punch, down at the spring beyond the pavilion on the hill in the woods!—Then, such excellent songs after dinner! Graff has a Dutch parody on Jessie of Dumblane, which is admirable. The President laughed 'till he cried, and I believe he would have danced, if a fiddle had struck up. The good old man sat at table beating time with his fork to the songs sung by Graff and others, with all the kindness and amiability of his nature.

Mr. Law delivered a great speech. It was a meeting of the Agricultural Society; but the speech was over before I got there. On asking Mr. Adams for an account of it, he said—"it was a love song about murder; in other words, an agricultural speech in praise of manufactures." Quite in his style! eccentric poetry interlarded with —— (MRS. WIRT *loquitur*:—Colonel Morrison has taken your father to the door, just to say a word to him, and there he keeps him. —Oh, here he is again—.) In short, it is not possible to conceive of a more agreeable country party than it was,—so far as agreeableness can exist without ladies.

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We have had shocking weather for a fortnight, but Spring has come again, and May is, once more, the mother of Love. Remember this in all your *égaremens de cœur*—(isn't that French?)—none of your broad, loud, open-mouthed, chuckling, choking laughs. Chesterfield says that polite people never laugh;—they only smile. It is very certain that a boisterous, joint-loosening laugh detracts much from personal dignity, grace and reputation for understanding; and, if frequent, it is the reverse of captivating. I am glad that you have so much self-command in this particular.

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M. wants to know who is to be the *divine* (as the widow Warren says) who is to tie this same knot for L. Tell her—

> "Cheer up, cheer up, you maiden,
> For you very well do know,
> That loving Johnny Gorman
> Died five months ago."

And if this argument does not comfort her, I must give up the business to Henry C., who, I have no doubt, will succeed better.

Is it possible you don't prefer the country to the town? Plague on the town! I wish I could live in the country forever and aye:—so quiet, sweet, cool,—books, pens, ink and paper in profusion,—mountains in view,—"beautiful breezes" from the west. Then, when company comes, such unaffected, heartfelt pleasure!

I'll bet you we have more roses than you have. Here are both gardens full, every bush teeming, blushing, bowing under its fragrant load of all hues, from the bud that has just burst its green vestment, to the flower that is dropping its withered foliage. Talking of vestment — puts me in mind of vestimental oil, and this reminds me of congratulating you on your escape from the soil of the forty counties: — but you have not got back yet, and I shall be as curious as Clarendon's blacksmith when you do come.

I want to tell you a secret. The way to make yourself pleasing to others is to show that you care for them. The whole world is like the miller of Mansfield, "who cared for nobody — no, not he — because nobody cared for him:" — and the whole world will serve you so if you give them the same cause. Let every one, therefore, see that you do care for them, by showing them, what Sterne so happily calls, "the small, sweet courtesies of life,"—those courtesies in which there is no parade; whose voice is too still to tease, and which manifest themselves by tender and affectionate looks, and little, kind acts of attention — giving others the preference in every little enjoyment at the table, in the field, walking, sitting or standing. This is the spirit that gives to your time of life and to your sex its sweetest charm. It constitutes the sum total of all the witchcraft of woman. Let the world see that your first care is for yourself, and you will spread the solitude of the Upas tree around you, and in the same way — by the emanation of a poison which kills all the kindly juices of affection in its neighbourhood. Such a girl may be admired for her understanding and accomplishments, but she will never be beloved. The seeds of love can never grow but under the warm and genial influence of kind feeling and affectionate manners. Vivacity goes a great way in young persons. It calls attention to her who displays it; and, if it then be found associated with a generous sensibility, its execution is irresistible. On the contrary, if it be found in alliance with a cold, haughty, selfish heart, it produces no farther effect, except an adverse one. Attend to this, my daughter. It flows from a heart that feels for you all the anxiety a parent can feel, and not without the hope which constitutes the parent's highest happiness. May God protect and bless you!

Your affectionate father,

WM. WIRT.

TO JUDGE CARR.

WASHINGTON, August 1, 1820.

MY DEAR FRIEND:

This is the first of August, as indeed you might have discovered, by the heading of this letter, if you had looked sharp.

On this first of August, William H. Crawford sets out for Georgia;

in a few days Calhoun is off for the Lakes; and Thompson is at New York, where he will remain till frost. Thus, three departments will be in the hands of subalterns, who will stand in daily need of the Attorney-General to help them through their difficulties.

On this same first of August, I commence the digging of a new well, the old one having failed, — and the operation will require my superintending presence. Item: on this same first of August, I am to determine on proposals to make an addition to my house, which we think indispensable to our comfort; and this operation, which, if it begin at all, must begin immediately, also requires my presence and superintendence.

And, on this same first of August, I receive your kind letters, pressing me to go to the Shannondale Springs, enlisting my wife to conspire with you, and enforcing the whole by the request of your dear wife; requiring me, too, to set off, forthwith, to-day.

The question is whether I should obey my inclination or my duty? I think it my duty to remain at home, and mind my business.

In the mean time, if you do not think that I am deeply and tenderly impressed by the interest you take in my health, you do me great wrong. Mrs. Wirt would write her thanks, but that she is shy of committing herself on paper to a grave and learned lord chancellor; and therefore she deputes me to tell you that I am a perverse sort of a body, who, while she opposed my going from my home, manifested a strong inclination to do it, — and now that she consents, I have wheeled about, myself. But this is all in my eye. If she thought my health required it, she would go with me to the end of the earth, and, if we found Captain Simmes' opening there, would walk in with me, among the concentric spheres. Yes, although we should both be going down the hill of life,

> "Still, hand in hand we'd go,
> And sleep thegither at the foot:"——

than which I think there is not a sweeter thought in all Burns. I learn to feel it more deeply and tenderly as I, with my faithful and affectionate helpmate, approach the brow of that hill. O! to be left alone at such a time! What other sacrifice is there on earth, that a man, with a human heart in his bosom, would not cheerfully encounter to avoid it! But enough of this.

Where are these same Shannondale Springs, and how are they approached from this place? If I should be able to make out the trip, would I go by the stage to Winchester; and is there a public conveyance thence to the Springs? I should be most highly gratified to meet you there, as you propose, and I have no doubt that it would be serviceable to my health.

I hope you are not roasted as we are. The earth here is as hot as an oven, and the whole atmosphere feels, and almost looks, as if it

were on the point of blazing. I wish balloons would come into play. How delightful it would be for every family to have one, always ready to mount up into the cool regions of the air, and, at the same time, so anchored to the *terra firma* of their respective proprietors, as to be in no danger of flying off with them! I should not be at all surprised if, in the course of the present century, it should become as fashionable for the rich and luxurious to spend their midsummer days a mile or two above the earth, as it is at present for the people of Charleston to spend their summer evenings in their gardens. What a spectacle, to see a squadron of balloons, in their ascent from our cities, on one of these daily excursions! There is something cooling and refreshing in the imagination of it. How would you like to be drinking lemonade and reading Shakspeare on the flat of your back, above the clouds?

To return to the weather. Will it never rain again? Time was, when one such torrid day as we have had, would have been followed by a shower; but there seems to be no moisture in the earth to evaporate; and even the water in the river seems to have turned dry and inexhalable.

I have told you, heretofore, of the pleasure I sometimes take in turning back to my old letters, and re-perusing the merriment of my friends. I have been indulging in this lately; and, to give you a specimen of this amusement, I send you a letter of your own, one of Coalter's, and one of Peachy Gilmer's, written in days of yore while we were all single men, and when friends were living who have gone before us to the grave. I send one, also, from that rattle-cap, Meriwether Jones. Poor fellow! he had but one fault, and that he had in common with all the heroes who preceded him, except Scipio; and, if we may believe Xenophon, Cyrus; and perhaps, also, Hannibal, whose master-passion (his hatred of Rome,) seems to have swallowed up the rest. Jones was as brave and heroic as any of them, with far more generosity than ninety-nine in a hundred of them, and with a tenderness of sensibility that was almost feminine.

Don't forget that these letters are to be returned to me, as soon as you have read them; unless, by way of recreation, you choose to show them to Henry Tucker, and the Judge,—Holmes. I can't part with them; they are medicine to the heart and soul. Pray have you thought it worth while to preserve yours? And do you ever look back upon them? They are the memory of joys, as well as sorrows, that are past—pleasant and mournful to the soul. But for the Christian revelation, it would be natural to suppose that it would be with much such feeling, that our spirits, in the next world, would look back upon the whole of this life. But this is getting into water too deep for so poor a swimmer as myself:—let us come to the shore.

How do you put over the time?—as we say in Cohee-land. Do

you read? or do you write? or *do* you *do* both?—Pray is this last question grammatical?—for I have not time to think of it.

So, you are to have Coalter with you—best of good fellows—and his most amiable and excellent daughters. I was at his house, near Richmond, and staid all night. Cabell and Laura were with us. We might have fancied ourselves young again, but that our girls were there to dispel the illusion. It was only the other day that you, and Coalter, and Peachy, were youths, writing to me these merry letters; and now we have children nearly grown, and, if the truth were known, thinking, I dare say, of being married themselves—which is moralizing quite as sagely as Justice Shallow on the death of old Double. I catch myself often at this profound and original sort of speculation, *de vanitate mundi;* but the fact is no man has a perception of these moral truths, 'till they are brought home to his bosom by his own experience; and then they rise up for the first time, with all the freshness of novelty about them.

Mr. ——— was here last night. He talked of agriculture, manufactures, finances, a national institute, the bank loan, the dry weather, Miss B., the 4th of July, the revolution in Naples and a newly invented plough, all in the same breath, and pretty nearly in the same sentence. And when he was forced to shut his mouth, by Laura's beginning to play, he also shut his eyes, and, I believe, went fairly to sleep; though he cried "beautiful," several times in the wrong place. Miss B. says he does not know Barbara Allen from Yankee Doodle.

Poor Mrs. C. is still in sore affliction for the loss of her boy, who, by-the-bye, was one of the finest, if not the very finest child I have ever seen. I think it was the Thracians, who mourned when a child was born, and rejoiced when one died. Had they not good reason for it? Their course was certainly much less selfish than ours, if it be true that there is a hereafter, and a hereafter of unmixed happiness for spotless innocence. And that there is, we ought not to doubt.

These same Springs again:

As to your thinking I care nothing for you, your wife or children, unless I go by Winchester to these Springs, I am not afraid of that: for you know better, by four or five and twenty years' experience. And you know also, according to an elegant and favourite saying of J. W.'s, that "old dogs don't learn new tricks."

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I am incessantly interrupted by men on business, and now the mail hour has arrived.

God bless and preserve you, your wife and children — as also your friends — and, among them, our noble selves.

WM. WIRT.

According to the appointment of this letter, Wirt spent a part of August at the Shannondale Springs, on the Shenandoah River, a few miles from Harper's Ferry. After that, he was called by professional service to Bel Air in Maryland, to take a part in the trial of certain prosecutions against officers of the Baltimore Branch of the Bank of the United States. These trials were postponed till the following year. The visit of the Attorney-General, however, to the little village which was to be the scene of debate, is pleasantly described in a letter to Mrs. Wirt of the 4th of September.

"Here I am at Bel Air. We came up to-day in Williamson's coach with four smoking greys. We got here between eleven and twelve. Our quarters are quite comfortable, and the village itself, to my agreeable disappointment, a pretty place; the air fine, and the water super-excellent. The village is on a high open plain, the streets well bordered and shaded by locusts. I have a room to myself, a good bed, etc. There is a narrow grass-plot on the north side of the house, which forms a delicious sitting place this evening, and stretches immediately under my chamber window. Then, for the table:—we had to-day a sweet small ham, very like what we used to get at Cabell's,—a *nice* fat young goose,—two *nice* boiled chickens and sundry vegetables; and for dessert, tarts, sweetmeats, good cheese, etc.—and, oh!—such a quantity of large, delicious peaches and pears! The road, for several miles back, is lined, on both sides, with peach trees, loaded to breaking, with fruit, and near enough to be pulled *ad libitum* by the hand, as we rushed along in the carriage. I have never seen a finer fruit country. Then we are within eight miles of the Chesapeake, and about the same distance from the mouth of the Susquehanna—fanned by land and sea breezes.

"But we are in serious apprehension of being obliged to leave this delicious place to-morrow. Judge Dorsey, the Chief Justice, is taken sick and goes home. One of the remaining two associates is laid up with tooth-ache, and is not here yet. If he comes, it is the general impression that the two juniors will not, and ought not, to try cases of such a nature as these, without the Chief Justice. So, do not be surprised if I am with you by Thursday; and be not disappointed if I am not,—because, at present, it is all conjecture what the course will be."

Among the matters of mere personal concern, which furnish the staple of nearly all I have to record of Mr. Wirt at this period of his life, the reader may be amused with the impressions made upon him by a short visit as far as the Hudson River, it being the first excur-

sion into this region of the United States which he had yet attempted. The purpose of this journey was to place his son Robert at West Point, and to provide for his entrance into the military academy, to which he had lately received an appointment. We have a few sketches of his travel in letters to Mrs. Wirt, from which I make some extracts:

"CAMDEN, September 21, 1820.

"Here we are, opposite to Philadelphia!—So, this is Philadelphia! Humph! as Sterne said of Paris. And what is there in Philadelphia to make such a mighty fuss about? One single church-steeple and a shot-tower are the only striking objects in view. All the rest is a mass of brick houses with white windows, on too flat a plain to be seen more than one or two hundred yards from the water. So, it is only by information that I know it extends two miles across to the Schuylkill. The extent upon the water — which *they say*, including suburbs, is four miles,—shows a common, plain, quakerly place, and, in point of beauty, no more to be compared to Richmond than a drab coat to the imperial purple. But the approach up the Delaware is very beautiful.

"—— Let me see if they will allow me to breathe here long enough to give you a diary.

"—— At five o'clock, P. M., we were off in the steamboat at Baltimore for Philadelphia; passed Fort McHenry, whose "Star-Spangled Banner" formed the subject of Key's celebrated song. The night bright and beautiful, and we kept the deck till nine, then supped and to bed, having to rise at one in the morning to take the stage from Frenchtown to New Castle.

"Cut off! — The bell is ringing for the Trenton boat — and so, here we are — off for Trenton:

"On Christmas day in Seventy-Six."

NEW YORK, September 23.

"We arrived here yesterday morning at ten. After dressing, I sallied forth in quest of the commodities to be purchased for Robert, intending on my return to give you an account of every thing. We returned at two, — when I found the mail had closed at one; so my chance to write was gone till to-day. In the evening we went to the Battery, and then to West's circus to let Robert see another *entree* of those celebrated horses. This morning I rose early, to visit the Fish Market. The first person I met in the twilight was Mr. Hagner, of Washington. He had just arrived from the north. Upon his suggestion I went into another room, where I found Mr. Calhoun and Major Roberdaux. In about five minutes afterwards, to the surprise of us all, came in Major Bomford, and soon after him, Major

Thayer, the commanding officer at West Point. We were in a parlour assigned to Wilde and his family, and, being invited to join them, we all breakfasted together. Calhoun insists on my going to visit the forts with him to-day, at eleven. Instead of employing the morning in a journal of my interesting travel to this place, I shall go. I will write to you again to-morrow. We are invited to dine with the Corporation on Monday.

"September 24.

"They played us a trick yesterday. Instead of carrying us to the forts, they took us to a silk factory on Staten Island, where we were detained the whole day; and this by a *ruse de guerre*, without the sanction or knowledge of the Secretary, against his will, and very much against all propriety — for the troops were under arms at all the forts, expecting him, throughout the day. For my own part, I thought it such a breach of the respect due to the Secretary, (whom, by-the-bye, it was intended to honour, or rather, to catch from him a reflected honour and to throw it on this institution,) that I was out of humour all day. Besides which, it was time lost to me without an equivalent; for I did not, by any means, consider a turtle dinner on Staten Island as a compensation for the lost opportunity of seeing the fortifications and the city itself. I have not the least doubt my displeasure was visible in my manner, and that I shall be set down for a very surly, ill-natured fellow, — which, you know, is not the case.

"About five we went to see the Vice-President,* who lives at the north end of Staten Island, fronting New York, and who, in answer to an invitation to the aforesaid silk-dyer's, had been reported sick in bed. He met us, however, at the gate, looking as well and smiling as ever. We stayed fifteen minutes, were introduced to his family, and then returned to New York in the steamboat "Nautilus," about dark. On our return, Mrs. Wilde told us she was quite surprised at reading in the newspapers of the day where we had been: — so that the printers, it seems, knew more of the Secretary's movements than he did himself. As to the sights — I must put off all that till my return; for if I spend my time in describing, I shall lose half that I ought to see."

"WEST POINT, September 27.

"We arrived here last night. — I pass over the beauties of the Delaware River and of New York, to come at once to this place. Yet, how can I write a word — with that heavenly band of music, surpassing any thing I ever heard of its kind,—and that exact, majestic, and most beautiful march of the cadets, which is now going on in my view, on the finest plain and amidst the most captivating land

* Mr. Tompkins.

scape in the world!—I can't stand this divine echo of the bugle from the mountains!

* * * * * *

"The music pauses for the drill, and I resume my pen Poor Robert is very differently employed, being now under examination before the academic staff, to determine whether he is to be admitted or not. He has been told by Thayer that the examination is very severe; but Thayer kindly requested a private interview with him this morning, and put some preparatory questions to him. He has told me that Robert will certainly pass.

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"There goes the band again!—and here come these ravishing echoes once more from the mountains, which mountains hover over us with the old revolutionary fort, 'Putnam,' crowning the summit to the southwest. It is all in vain to write. There are too many beautiful objects. We have Newburg in full view, eight miles up the river, seen through the majestic jaws of the mountain, which form the passage for the river to the northwest. The academic staff have come to see me. Robert is highly spoken of.

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"I go to Newburg to-morrow, to get on board of a descending boat at ten at night."

CHAPTER VII.

1821.

THE TRIALS AT BEL AIR.—ENCOUNTERS PINKNEY.—RIVALRY.—LETTER TO CARR.—SEVERE LABOURS.—SICKNESS.—REMEMBRANCES OF THE FRENCH REVOLUTION.—SUMMER EXCURSION TO SARATOGA, LAKE GEORGE, ETC.—CHARLES COLLEY.—A STORY OF MR. POPE'S.—LETTER TO POPE.—BURGOYNE'S SURRENDER.

THE cases which had taken the Attorney-General to Bel Air last year, now came on for trial in April. There was a great array of counsel. Mr. Pinkney and General Winder were the leading members associated in the defence. Mr. Wirt, General Harper, Mr. Mitchell,—a gentleman distinguished at the Baltimore bar for his professional talents, and not less for his wit and humour,—were en-

gaged, with others, in the prosecutions. I hope I shall not be considered as transcending the limits of propriety, in referring to a few passages in the letters written to Mrs. Wirt, at this period, relating to these trials. They speak confidentially, and in good earnest, the writer's exultation in the success of his own performances. There is no motive at this time to conceal such opinions; and the expression of them, when we regard the circumstances in which they were written, and especially the person to whom they were addressed, will scarcely be open to the censure of egotism. We shall see the old rivalry renewed.

"April 2, 1821.

"This being my day to make a speech, I commenced at ten, thinking I should have done in two hours: but I spoke four, and was so much exhausted at two o'clock, that the Court adjourned without my application,—I being then only about half-way in my speech. I satisfied myself; and knowing me as you do, that is enough for me. I will only add, that Pinkney paid me the compliment to say that 'it was very beautiful, and *apparently* very argumentative.' Others hold more flattering language; but I am a modest man, as you know, and can say nothing further on the occasion. I was hoarse, and extremely fatigued; but, judging by my feelings to-night, I shall be able to resume to-morrow with increased vigour.

"Thursday, April 5,

"I wrote you on Monday evening after I had finished about half my speech. The next day at two o'clock I closed. I have rarely, if ever, made a better argument. General Winder has been speaking ever since, and to-day comes out Roland. He has been closeted ever since he heard the first part of my speech, on Monday, to the subject of which alone he means to confine his answer, leaving the residue to Winder. We look for an Ætnean explosion from him. He is certainly put up to full speed, and has much character staked upon his appearance. He has been unwontedly civil and kind to me.

"Saturday, April 7.

"This is the fourteenth day since this argument was opened. Pinkney, before he began, promised to speak only two hours and a half. He has now spoken two days, and is, at this moment, at it again for the third day. You will be gratified to hear that although there are four counsel on the same side with me, and the veteran General Harper,—hitherto the only Maryland rival of Pinkney,—among them, yet here the Attorney-General is regarded as his chief antagonist, and the comparison made by the Court, the bar and the bystanders far from being to my prejudice."

Trifles such as these, which on other occasions might be liable to disparaging comment, acquire value in a biographical sketch as exponents of character. They are to be regarded as illustrative anecdotes, which often serve to cast a better light upon personal qualities or the features of the mind, than more earnest and acute dissertation. They are chiefly valuable in the present case, for the evidence they furnish us of that eager, sensitive, and stimulating desire in the breast of Wirt, to contend with and to excel, if possible, the most renowned and skilful competitors in the theatre of his own art.

The letter which follows opens a history of severe labour and its too common penalty, disease. It is not without a strain of jocular vain-glory which usually goes with a cheerful ambition, and tells of a sanguine temper and a contented life. The remembrances of revolutionary France, with which it concludes, have some signification in connection with events of the present day.

TO JUDGE CARR.

WASHINGTON, May 14. 1821.

MY DEAR FRIEND:

Your letter is a cordial to me. It is such a letter as was to have been expected from such a friend, under the excitement that produced it. Who can say that life is not worth having, while such a friend is to be found and enjoyed? But enough, in this strain—for you know how much more I think and feel than I say.

The alarm which you have had, on my account, is, I hope, unfounded—at least in the extent to which it seems to have gone. It was only a longer continued, though a much less severe recurrence of an infirmity to which I have been subject, ever since I was fourteen years old—a vertigo,—the first attack of which I experienced at old Parson Hunt's, in Montgomery county, twelve or fourteen miles above this place, while I went to school there, in 1786 or 1787. I had been, at that time, sitting, with my elbow on my knee, and my head resting on my hand, reading Swift's account of Partridge, the Almanac-maker, for the first time in my life; it was before breakfast, in a winter's morning, and before a rousing fire, which I was too much engaged to feel—when, on being suddenly called upon by old Mrs. Hunt, from the next room, to ring the bell, I started up and crossed the floor to the bell-string and had only time to pull it once or twice, when my head began to swim and I fell—bereaved of all sensation and reflection, except that I was spinning on the floor like a top. A most profuse and deadly sweat, with sick stomach, followed—whereupon I got clear of my sickness. I sent for young Dr. Galt, who, at

my request, bled me, although he assured me it was unnecessary, and that the whole was attributable to disordered stomach. Minor attacks, accompanied with dimness and blindness of sight, have been frequent with me, some of which I have had to disperse by jumping up and dancing over the floor; but I have thought nothing of them, except as transient inconveniences, and not even worth mentioning.

During the last Supreme Court I was very much engaged. I was forced to lose my wonted sleep, and had not a moment for exercise. The Court kept me constantly engaged till four o'clock: I had then to hasten home to dinner, and, immediately afterwards, to sit down to my papers till ten, eleven and twelve at night — then up again at three or four in the morning, and with merely time enough to take breakfast, off, as rapidly as my carriage could drive me, to the Capitol, at eleven. This I bore very well for six weeks—when I was required to decide a question of usage, in the department of State, in settling the accounts of foreign ministers, without any previous knowledge on the subject, and with no other guide than huge accounts, of which not one item in a hundred applied to the case. I always disliked accounts. It is a dray-horse business, in which even the triumph of acuteness in discovery has never compensated me for the nauseous labour of the research: it was a case, too, which required a speedy answer — and this, after the exhaustion of past toils in court, and during the labour of others still pressing me. As I hate to say "I can't," even worse than I hate accounts, I determined to see it out; and, despatching my wife and daughter to De Neuville's, and the children to bed, I set into my task.

It was, while pursuing this, exhausted by past toils and want of sleep, that the symptoms of vertigo returned; not with half the violence I had before experienced — but enough so to require me to undress and go to bed. I did so, and sent for a physician, was bled, &c. The disease was again referred, as Galt had referred it, to sick stomach, totally unconnected with apoplexy or palsy. *I know* that it is the same *vertigo* I have had all my life — differing, as I said, in nothing, but its following me up with more frequent but less violent attacks. But a truce with all this. I believe if I had not been Attorney-General, they would have let me enjoy my vertigo in peace, and have made no noise about it; but now, I suppose, I must die outright through *etiquette*.

Why, sir, have not I been to Bel Air, in the midst of it all, and bearded that "damn'd magician Glendower," without suffering the thousandth part that the earth did, at the birth of the Welshman — nay, without suffering by the struggle or in the comparison? Tut, man—don't tell me!—Am I not in my youth yet—in the bloom of my youth, and the very hey-day of my blood? Poh, poh! — I have a thousand things to do yet, and have not time to die. To-be-sure, when my time comes — when Heaven so wills it, I must go; — so

must all, young and old — but I have no reason to believe, from this affair, that a very speedy departure has been decreed for me. — But enough of this, too; it is rather in the P. P. style, the importance of a man to himself.

I should be *extaciated*, (as old Col. Laval, my neighbour, calls it,) to meet you in Albemarle, in Buckingham, or anywhere, this summer; — and, if my health should make it necessary, somewhere or other I will go.

I am distressed at the cause which carries you from home. Alas, my friend, this is rather a scurvy world, after all. I could be very melancholy, if I would, when I reflect on it—"but grieving's a folly." All that remains for us is to do the best we can, and acquire the stoicism of Shakspeare's —— "who fortune's buffets and rewards with equal patience takes:" — so, "Away with melancholy, nor doleful changes ring, on life," &c.

By-the-bye, did you ever see such a miserable fist as the Neapolitans have made of it? Are these the descendants of Brutus and Cato? O shame and disgrace unspeakable and indelible, in such a cause! I had begun to feel the same sort of throbbing with which my heart beat, near thirty years ago, in the cause of France—and was already panting to go to Naples, and take a hand with them—was chaunting every morning, as soon as I awoke,

"Merrily every bosom boundeth,
Merrily oh, merrily oh!
Where the song of Freedom soundeth,
Merrily oh, merrily oh!"

When, behold this miserable, mean, pitiful, sneaking capitulation arrives.—O, how different from the movement of France, in the youth of her revolution! Even at this moment my blood runs cold, my breast swells, my temples throb, and I find myself catching my breath, when I recall the ecstasy with which I used to join in that glorious apostrophe to Liberty in the Marseilles Hymn, "O Liberty! can man resign thee, once having felt thy gen'rous flame!" And then the glorious, magnificent triumphs of the arms of France, so every way worthy of her cause! O, how we used to hang over them, to devour them, to weep and sing, and pray over these more than human exertions and victories! And how were the names of those heroes of Liberty, "in our flowing cups, freshly remembered," and celebrated almost to idolatry! Alas! where are they, and where is their cause now?

But France was great and glorious even in her transition, and in her fall. As for these yelping Neapolitan puppies, the only fate worthy of them is to perish in their own grotto del cano. But can this be the end of it? Can this be the end of such a cause? can Heaven suffer it? Are kings and tyrants, only, worthy of its care?

I cannot, yet, but hope that with the political light which the last half century has shed upon the cause of human liberty, and which has been so extensively diffused throughout Europe, illustrated by the great and steady movement of our political ship through the ocean of human affairs, that cause will not expire. They cannot believe all that has passed a feverish dream, and so turn over and go to sleep again, in the long night of despotism, while they have before them the waking reality of our government.

The tyrants may have quelled the Carbonari, and extinguished some of the coal-pits in Naples, but Vesuvius and Ætna yet burn; so does Cotopaxi: — and so, also, I trust, does and will, the cause of Liberty, till the tyrants of the earth are buried under its eruptions.

* * * * * * *

Remember me affectionately to Tucker and Holmes.

I write in my office, in great haste.

Heaven bless you! Let me hear from you.

Your friend, *in sempiternum*,

WM. WIRT.

During this summer, Mr. Wirt, in company with his family, made a journey to the north, and spent some time in the neighbourhood of Saratoga, Lake George, and other places of note connected with the war of Independence. To him, who had been 'till now an entire stranger to this region, this was a journey of most absorbing interest. The beauty of the country was fascination itself to one so capable of feeling it; but the revolutionary associations were far more potent to charm him than even the scenery. This tour continually suggested to him the most lively and affectionate remembrances of his old friend in Virginia, William Pope, who was somewhat distinguished in the circle of his acquaintance for his assiduous devotion to the preservation of every incident belonging to the personages and history of the war of 1776. Mr. Wirt, therefore, had scarcely got home from his journey, before he sat down to pour out, in a letter to Pope, the whole story of his travel over this enchanted ground. The letter will speak for itself. But as it refers to subjects which had supplied many an hour of merriment to the parties in this correspondence, and which cannot be understood by the reader without a preliminary explanation, I take occasion to furnish this, by recording an anecdote which may yield some amusement in the perusal.

Mr. Pope told many excellent stories, — indeed, was somewhat

famous for the irresistible comic effect he could impart to a narrative in which variety of characters was required to be described. The bar of Virginia will long retain the traditions of his good-fellowship and amusing talent, as his contemporaries still delight to remember them.

The reference to Charles Colley, will be intelligible by the following story, which was one that often disturbed the gravity of Mr. Pope's associates. I give it very nearly in the words of Mr. Wirt himself, from some memoranda in my possession.

"To enable you to enter into the story," — says the Attorney-General, — "I must remind you that, before the Revolution, there was very little intercourse between the colonies. A poor man in Virginia, who, at that day, had had the good fortune to have crossed the line into Maryland, on one side, or North Carolina, on the other, was considered by his neighbours as a sort of prodigy, and gave himself airs of consequence, upon the strength of his travels, and considered himself as fully invested with the traveller's privilege as Bruce or Munchausen.

"At the commencement of the war, troops were marched from Virginia to the aid of Massachusetts. Amongst the militia destined for this service on one occasion, went Charles Colley, the hero of this story, who was the son of a poor planter in the barren county of Louisa. Charles was an overgrown, gawky lad, entirely illiterate, who considered a march to Boston pretty much in the light of a journey to the other world. He performed his tour of duty as a soldier, in the company of Captain Johnson, in the third Virginia regiment, commanded by Colonel Tom Marshall.

"Before they marched they had a motto, worked upon their hunting-shirts — "Liberty or Death" — but Colley objected to it in his own case, and proposed an amendment. 'Liberty or Death,' he affirmed, 'was too bloodthirsty;' — so he desired his sister to mark his shirt differently, and insert 'Liberty or be Crippled.' In the course of his campaigns he was in the battles of Brandywine, Germantown, and White Plains; and when the war was over, he was one of but eleven of his original company who survived to return to their home in Louisa.

"On the evening after his return, his father collected his country

neighbours to hear Charles talk about the wars and foreign parts, and to eat watermelons and drink cider.

"William Pope, then a lad of fifteen," — continues Mr. Wirt, — "was an unbidden guest at this feast—a sly dog, with an eye for the ludicrous, a zest for humour, and a power of mimicry which I have never seen surpassed. More droll things have happened to this same William Pope, or in his presence, than to any other man with whom I was ever acquainted. His eye and his relish for the ludicrous were so quick and perpetually on the alert that nothing escaped him. He saw the joke afar off, and was often in convulsions of laughter, whilst others were gaping and wondering what the d—l was the matter.

"You are to imagine half a dozen country clowns, rather advanced in life, dressed in Osnaburg shirts and trowsers, with bare feet, assembled on the occasion. The father is spokesman to Charles, and intent upon his object — to draw him out.

"After spitting his tobacco-juice out of one corner of his mouth, and wiping his lips with his sleeve, he speaks in a drawling, snuffling voice: —

"Well, Charles, have you got nothing to tell your neighbours about your travels?"

"Why, father," — says Charles, in the same tone, — "By blood! I saw so much, that I don't know whar to begin."

"Can't you tell how far you went to the North?"

"By blood, I went so far to the North, that the North Star was to the South!"

After a pause of wonder and exclamation amongst the company, the father asks, — "Did n't you larn no songs at camp?"

"O yes — a heap."

"Well, can't you give us one?"

"I 've got such a cold, father, that I hardly think I can sing." Here Charles tries to get up a cough.

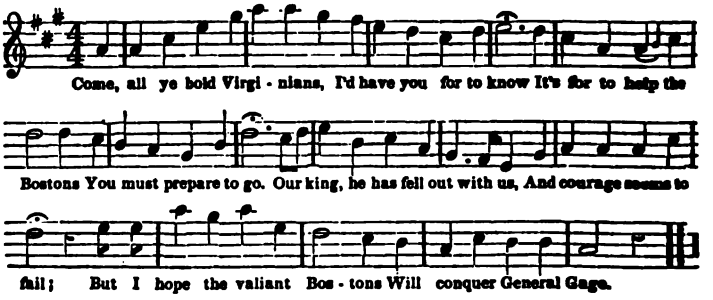
"Well, anyhow, only try. We 're all friends here."

The company all join in, and cry out, "Come on, Charley, try it."

"Well," says Charles, "I 'll try it, to 'bleedge you, just to show a willing mind."

Upon this, Charles gets up and leans his head against the arch over the fire-place, as if in meditation. Then, after a few preparatory

coughs, he begins his song, — throwing his head back, and singing low and slow, and very much through the nose. At the end of every verse, he drops his head and shakes it, with solemn emphasis, by way of increasing the effect. The song runs thus:


Come, all ye bold Virgi - nians, I'd have you for to know It's for to help the
Bostons You must prepare to go. Our king, he has fell out with us, And courage seems to
fail; But I hope the valiant Bos - tons Will conquer General Gage.

SECOND VERSE.

Don't you remember the Israelites
  That was from bondage freed?
It was the hand of Moses
  That led them through the seas.
It was the hand of Moses,
  And by the power of God;
Oh, don't you remember the Israelites
  That was from bondage freed?

THIRD VERSE.

The race is not unto the swift,
  Nor the battle to the strong;
And I hope we 'll meet the British
  Before it 's very long.
For if the bold Virginians
  Gets the British among the trees,
The Virginians will kill the British
  Like brimstone does the bees.

With this little narrative, which derived nearly every thing that could have made it acceptable, from the drollery and comic power of Mr. Pope, and which was no further worthy to be introduced here than as it serves to throw a light upon the bagatelle which follows, I give the letter.

TO WILLIAM POPE.

WASHINGTON, August 29, 1821.

MY DEARLY BELOVED BROTHER:

I have thought of you oftener and more tenderly this summer than for some time gone by, and sit down to tell you how this has happened.

In the first place, I have had more leisure to think of you, for I have been travelling. In the next place, I have been travelling in a direction full of associations of thought and feeling derived from you, — for I have been quite as far to the North, I suspect, as your hero Charles Colley ever was; though, I must confess, the North Star never appeared to the South.

As we passed through Trenton, I thought of your

"Christmas Day in Seventy-Six,"

and that brought you with a group of hearty fellows from Richmond before my mind's eye,—and then, naturally enough, I thought again of "Departed Joys," which still more brought up your image to my side whenever I approached an interesting scene of the revolutionary war. At Princeton, where General Mercer fell, — the tree was pointed out and is still preserved, — and there I saw the tears in your eyes. Then at Kingston, New Brunswick, and New York, and in going up the North River, you were continually with me, — those same eyes of yours sparkling with triumph when gazing on Stony Point as we passed, or flaming with indignation at Arnold's treason when the spot was shown us where the Vulture sloop of war was moored,—or bedewed with sympathy when the grave of the generous and accomplished André was indicated. Then came West Point, the subject of so much solicitude and bloody strife in the revolutionary war, — with the ruins of its two old forts, Clinton and Putnam, which stand like two old chroniclers of awful days long since gone by.

So far, however, you were only one of a party associated and grouped together in my recollection: but when, on returning from Lake George, we fell into the route of Burgoyne's invading army, you were, if not all alone, at least the lord of the ascendant. All that I could recollect of "Jack, the king's commander," I chaunted loud and merrily. Oh! thought I, if my dear Pope were but here to give it *all* to us, how much should *we* enjoy it, and how much would *he* enjoy these scenes! —

> "Then first he came to Canada, next to Ticonder*oga*,
> And leaving *those*, away he *goes*, straightway for Sarat*oga*."

Well — *we* did *not* go to Canada — though we should have done so if Mrs. W. had not got home-sick, and anxious to contract the circuit of our excursion. To Ticonderoga we should have gone from

the head of Lake George, if we could have got a safe boat. But "leaving *those*, away *we went*, (Oh! what a falling off,) straightway for Saratoga." We fell upon Burgoyne's track at Sandy-Hill, a beautiful little village on a high and most commanding site, at the point at which you will observe on your map, ascending from Albany, the North River bends at right angles to the west. Thence, going down the river, on the eastern bank, two miles and a half, and within half a mile of old Fort Edward, we were shown the spring at which the Indians who had charge of Miss McRae, stopped to drink when they were discovered and fired on by the whites; and the tree, on the root of which she was found sitting. "She was found after the action was over," say the historians, "tomahawked and scalped and tied to the tree." There being a house near, I borrowed an axe and cut a chip out of that identical root, for you, which, with some other holy relics, I shall send you by the first opportunity. The tree is a flourishing pine *stump*, fifty feet high, — full of balls, — the top twisted off by a storm. I wish I could have brought one of the Springs to you, too, for they are the very finest that ever I met with. At Fort Edward there is a little village — and while our horses were watering, I procured a revolutionary bullet or two which had been got out of the wall of the fort. We arrived at the village of Saratoga to dinner, the field on which Burgoyne laid down his arms being immediately before us, about half a mile, — now a beautiful piece of meadow-land at the junction of Fish Creek with the North River, which you can also see on the map. I have some *relics*, also, from this field for you. You remember that Burgoyne was on his retreat, endeavouring to get back to Fort Edward and thence into Canada, when, finding his further retreat cut off, he surrendered on this plain: — so in following his track *down*, we came to the field of surrender before we came to the battle-ground, where he had, for the first time, become convinced of the erroneous estimate he had made of the American character.

Having walked over the field of surrender, and pulled some boughs from a tree near the spot at which Burgoyne's marquee was pitched, we moved down the river in the evening, and, about an hour by sun, came to the house in which the celebrated British General Frazier breathed his last. This house was the quarters of the German general, the Baron Reidesel; and, on the day on which Frazier was killed, the Baroness Reidesel (who, with two or three small children, had followed her husband into the war) was engaged in preparing dinner for Bugoyne, Philips, Frazier and Auckland, who were to dine on that day by invitation with her husband. The table had been already set out for dinner, when the action began, and after some time poor Frazier was brought in wounded, not to dine, but to die. The Baroness' letters have been published, in which she gives a most interesting account of all these particulars, — which you will find in Wilkinson's Memoirs; or you may read all that is affecting or touch-

ing in regard to these incidents, collected by Mr. Silliman in his tour to Canada, which I will send you as soon as I can procure the book. The generous sensibility evinced by Frazier, after he knew that his wound was mortal, has given me much tenderness for his memory. The Baroness says he was continually apologizing to her for the trouble he was giving her, and that while sitting in the other room (there were but two, and they were very small) she could hear his groans and exclamations—"O fatal ambition!"—"Poor General Burgoyne!"—"My poor wife!" He was killed, it seems, by one of Morgan's riflemen. Silliman says he had the anecdote from one Dick Brent, and Brent from Morgan himself. In the action of the 7th October, 1777, Frazier was the soul of the British army, and was just changing the disposition of a part of the troops, to repel a strong impression which the Americans had made and were still making on the British right, when Morgan calling together two or three of his best marksmen, and pointing to Frazier, said—"Do you see that gallant officer? that is General Frazier—I respect and honour him—but it is necessary he should die." This was enough,—Frazier was immediately carried from the field mortally wounded. But you will read it all in Wilkinson or Silliman.

Well, sir, as I was saying, we arrived at this same house at about an hour by sun; and as good fortune would have it, before we alighted another traveller rode up, having just returned from viewing the battle-field, accompanied by old Ezra Buel, who had been a guide to the American army in both the battles of the 19th September and the 7th October, and was with our troops 'till the surrender. He is now seventy-seven, and his usual gait of riding is twelve miles *per* hour, on a very hard riding horse. You will see honourable mention made of him by Silliman. Not at all fatigued with the excursion from which he had just returned, he wheeled about again, and accompanied us with the utmost alacrity. *Then* YOU should have been with me, my dear Pope—to walk over the fields which had been the theatre of such desperate strife—where the great cause of American liberty, too, was staked on the issue.

"And so"—thought I—"this is the field on which the famous battles of Stillwater were fought, four-and-forty years ago! How did these grounds swarm with armed men!" "Here Morgan was posted" —said the old man, interrupting my meditations—"Here was Arnold, *then* a patriot and an excellent soldier," &c. And so the old gentleman arranged the field and conjured up before my eyes the whole host. Then he painted the battles with great spirit—showed by what accidents they had commenced on both occasions—and how they became general—depicted the struggles in particular parts of the field —and enabled me to imagine, at times, that I saw and heard all the tumult, agitation, shouting, thunder and fury, of a long and well-contested field. Good Heavens—what a warming illusion!—*Morgan's*

eye of fire and bugle voice:—Arnold's maniac and irresistible impetuosity—the rattling of musketry, the sharp cracking of the rifles, the deafening roar of artillery, the animating shout of the soldiery, the war-whoop of the Indians, the encouraging and applauding cries of the officers, the charge, the retreat, the rapid and regular evolution at one point, the disorderly movement at another, the headlong confusion, the groans of the dying, the cry for quarter, ghastly and bleeding wounds, the severed limbs, men and horses mingled on the plain in one wide scene of indiscriminate blood and carnage. Oh what an uproar then!—How still and quiet now!! Where are they all! "What is that your plough is turning up?" "Only a skeleton." "What yet!—to this day!" "Even yet—our ploughs are constantly striking against cannon-balls or dead men's bones, or turning up grape-shot or bullets." "Then I *guess* the people were not idle on that day." "You may depend, friend, they were busy." "I believe it—but I have a friend in Virginia who would be glad to have some of the bullets that were fired in those great battles—battles that gave the first decided turn to the American Revolution." "To be sure; there is a ball, which has been rolling about the yard for some time; you shall have the bullets too; and you, John, go up in the loft and bring down that skull." "Thank you: excuse me from the skull—it will not be convenient to carry it—but the ball and the bullets I will gladly take." And so I did.

We went to several other houses which have been all built since; for it was then entirely wood, except Freeman's farm, which you will see mentioned in the books; and at all these houses bullets and bones were offered,—even the little children handling and offering the human bones, with as total an absence from all emotion as if they were chicken's bones, or dry sticks. Having examined the battle-grounds of both days, and walked, listened to my guide, and sighed 'till my heart was full and heavy, I returned to my quarters and slept, very little to my honour, without dreaming, for I was too much fatigued to sleep fancifully. The next morning I took another ride with old Ezra, to see the American encampment, and, above all, Gates' head-quarters. The house is still standing. It is a small, red, hip-roofed, one-storied old house that has quite a revolutionary look. "And here," the old man said, "the General remained during both the battles;" which were fought, at least, a mile from this house, and certainly out of sight. "This," the old guide said, "he was told, was right,—as it was the General's business to be at one place always, to receive information and give orders." Yet the old fellow's look had a glimpse of passing cunning, as much as to say, "A bad excuse is better than none." I could not help thinking, myself, that it was not exactly in the style of Napoleon. But what do you think of these armies resting here, in the opposite encampments, their sentinels within hail of

each other, for seven days, without striking a blow, and, at last, the first action, that of the 19th September, 1777, being brought on by an accident? Gates had a good motive for the delay,—for his army was continually gathering strength; but that Burgoyne, in the spirit of proud and contemptuous invasion, — with such an army and so appointed, — should have sat down so quietly and so foolishly, while his enemies were hourly increasing in strength, satisfies me that he was no Bonaparte. He ought to have pushed undauntedly forward, or to have retired while yet he could. His remaining on the ground was the very worst thing he could have done. But there is a fashion in war, as in every thing else. The Bonaparte style of daring was not the order of that day. But enough of this way of judging men *a posteriori*. At their time of day, and in their place, we might have done the same or worse. Poor Gates! this was his first and last field of glory! What a triumphant opening of his military career in America! What a reverse was he doomed to experience in one short year! And for poor Burgoyne, it was his last and dying speech, as a soldier. So that, both to victor and to vanquished, it was the prelude only to misfortune. Such is the passing glory of this world!

Now as to Burgoyne, pray, my dear brother Pope, did you ever read the sentimental comedy of "The Heiress;" or "The Maid of the Oaks;" or did you ever hear the tender and elegant songs of "Anna's Urn," or "For tenderness formed?" These were written by Burgoyne; and although our printers, our revolutionary officers in their letters, and our song inditers of that day, used to charge him with bombast, I do think that he was one of the most classical and elegant writers which the English nation has produced. If Burgoyne had been born to the wealth of Byron, he would have pitched the poetic bar beyond him by many a league. War was not his proper element. While upon the fields of his battles and final surrender, and remembering the beautiful and pathetic effusions of genius to which I have alluded, I could not help pitying such a man, whose mistake of his own character had put him at the head of a band of merciless, tomahawking, scalping savages, and "damned Hessians, Hanoverians, Anspachers, Waldechers, and Wolfenbuttlers." If I have mistaken *your* arrangement in these harmonious names, pray put me right.

From these fields my mind followed these British prisoners to the barracks near Charlottesville; and then came the recollections of yours and Bullock's anecdotes of that place; the temporary theatre; the acting of plays by the British officers; Phil Gooch—— * *

What would I give, my dear Pope, to go again over these grounds with you,—to catch your feelings by rebound! Is it impossible?

* * * * *

By-the-bye, this is a pretty long letter. It is time to stop, and I

am rather tired of writing. I began it about an hour before the close of the mail of this day, in the hope of having it ready; but interruption has now lost me the mail. However, you shall have the epistle "unhouseled, unanointed, and unaneled, with all its sins and blotches on its head." But remember that in this case you are the father confessor.

"The relics" will be addressed to the care of John Gamble. They have no value, except from the associated sentiment you will give them, and perhaps the associated image of

Your friend,

WM. WIRT.

CHAPTER VIII.

1822—1823.

CONTRIBUTIONS TO THE EVANGELICAL AND LITERARY MAGAZINE. —HINTS TO PREACHERS, ETC.—LETTER TO THE REV. JOHN H. RICE.—SEVERE PROFESSIONAL LABOUR.—SICKNESS.—DEATH OF MR. PINKNEY.—LETTER TO GILMER.—NOTICE OF PINKNEY. —ENLARGES HIS MARYLAND PRACTICE.—PLAYFUL LETTERS TO HIS DAUGHTERS.—VERSES FOR THE MAY-DAY QUEEN.—CORRESPONDENCE.—BEDFORD SPRINGS.—OCCUPATIONS IN BALTIMORE.—MODERATION OF POLITICAL OPINIONS.—LETTER TO THE PRESIDENT, RECOMMENDING THE APPOINTMENT OF CHANCELLOR KENT TO THE SUPREME COURT.

MR. RICE, well known as an eminent preacher in the Presbyterian church, and editor of the Evangelical and Literary Magazine, which was published at Richmond, was an intimate friend of Mr. Wirt and his family before they removed to Washington. At the solicitation of this gentleman, Mr. Wirt had written an article for the Magazine, entitled "Hints to Preachers." This had produced a corresponding essay, of the same character, from Mr. Rice, entitled "Hints to Hearers." Both had been published during the past year, and had attracted something more than ordinary notice from the readers of the Miscellany. These essays, as one may conjecture from the titles, were of a grave and religious cast. Mr. Wirt's was written in a tone of

vere criticism, with a view to correct some prevailing faults in the atory of the pulpit, and was published without acknowledgment of ie authorship, and, indeed, without any direct communication, upon hat point, to the editor himself. His design was to convey the impression that this essay was the production of one of the clergy, supposing that under the title he had given it, it would be likely to receive more authentic welcome from those to whom it was addressed, than ' known to come from the pen of a layman. The success of this ttle piece of didactic criticism made the editor anxious to obtain rther contributions from his friend, and several letters passed between iem in reference to this object. I select one from this correspondence, hiefly for the evidence it supplies of the distaste with which the ttorney-General still regarded the employments of public life, and ie pleasure with which his mind recurred to literary subjects.

TO THE REV. JOHN H. RICE.

WASHINGTON, February 1, 1822.

MY DEAR SIR:

Your letter of the 30th ult. was received this evening, just as I eturned from the President's. I feel the blush of genuine shame at he apparent presumption of adding my name in favour of your Magaine to that of the eminent gentlemen of Princeton.* This is real nd unaffected: but you desire it, and I dare follow your beck in any irection. Would that I could, in one still more important!

* * * * * * *

If you suppose from what I said of nine o'clock, that that is my iour of going to bed on week-day nights, you are mistaken by several iours. For some time past, I have been obliged to be in my office efore breakfast and till nine or ten at night, when I come home, take ny tea, talk over family affairs, and get to bed between eleven and welve. But it is killing me; and as death would be most extremely nconvenient to me, in more respects than one, at this time, I shall uit that course of operations and look a little to my health, if I can urvive the approaching Supreme Court. *Sed quære de hoc.*

My troubles not being already enough, in the estimation of the onourable body now assembled in the Capitol, they are beginning to nstitute inquiries, for my better amusement, into the circumstances f three fees paid me by the government in the course of the four ears that I have been here, for professional services foreign to my

* Mr. Rice had asked him to unite in a recommendation of this work with Doctors Miller, Green and Alexander, of the College at Princeton.

official duties,—a thing which has been continually done, at all times, under this government. They affect to think it a new affair entirely, and only an additional proof, amongst ten thousand others, of a waste of public money by the rapacity, if not peculation, of those in office. I am sick of public life. My skin is too thin for the business. A politician should have the hide of a rhinoceros, to bear the thrusts of the folly, ignorance and meanness of those who are disposed to mount into momentary consequence by questioning *their betters* — if I may be excused the expression after professing my modesty.

"There's nought but care on every hand,"

—all, all is vanity and vexation of spirit, except religion, friendship and literature.

* * * * * * *

I do sincerely wish it were in my power to mount the aforesaid "gay streamer and long tom," on your gallant little bark.* I will try in the spring and summer to contribute a stripe or two, and a blank cartridge or so. But I shall not tell you, when I do it, that it is mine; for it is proper you should have it in your power to say truly, "I do not know who it is."

I have already got credit for much that I never wrote, and much that I never said. The guessers have an uncommon propensity to attribute all galling personalities to me, all sketches of character that touch the quick and make some readers wince. I have, in truth, in times gone by, been a little wanton and imprudent in this particular, and I deserve to smart a little in my turn. But I never wrote a line wickedly or maliciously. There is nothing in the Spy that deserves this imputation, and nothing in the Old Bachelor, which, give me leave to tell you, "*venia detur verbo*," you and your Magazine, and your writer, ** have underrated. There is a juster criticism of it in the Analectic Magazine; but this writer, too, has not true taste nor sensibility. He accuses me of extravagance only because he never felt, himself, the rapture of inspiration. And you accuse me of redundant figure, because you are not much troubled yourself with the throes of imagination; — just as H—— abuses eloquence because there is no chord in his heart which responds to its notes. So take that. And if you abuse me any more, I will belabour your Magazine as one of the heaviest, dullest, most drab-coloured periodicals extant in those degenerate days. What! shall a Conestoga wagon-horse find fault with a courser of the sun, because he sometimes runs away with the chariot of day, and sets the world on fire? So take that again, and put it in your pocket. But enough of this badinage, for if I pursue it much farther you will think me serious;—besides it is verging

* An allusion to the request to contribute an occasional article for the Magazine.

to eleven, and the fire has gone down. I began this scrawl a little after five — walked for health till dark — came in and found company who remained until near ten — and could not go to bed without a little more talk with you. But I shall tire you and catch cold. So with our united love to Mrs. R., my dear H——, and yourself, good night.

Your friend, in truth,

WM. WIRT.

The term of the Supreme Court, which had now commenced, was one of severe labour to the Attorney-General. His constitution was visibly beginning to give way under the excessive toils of his profession. The close of the session found him an invalid, greatly debilitated by a sharp attack of fever, which had been brought on by a too assiduous and prolonged study. This term was marked by another event which interested the whole nation,—the death of Mr. Pinkney This eminent lawyer, whose fame is inseparably connected with that great tribunal of the nation, died on the 25th of February, 1822. His illness is said to have been produced by intense and unremitted study in a case then before the Court, and in the argument of which he had overtaxed his strength. An inflammation of the brain was the consequence, which came to a fatal termination in little more than a week; thus extinguishing one of the brightest lights of American jurisprudence, and depriving the profession of one whose name alone had a power to awaken the emulation of every aspirant to the honours of forensic renown.

The following letter of the Attorney-General refers to this event, whilst it speaks also of his own feeble condition.

TO FRANCIS W. GILMER.

WASHINGTON, May 9, 1822.

MY DEAR FRANCIS:

I thank you for your letter of the first, which I should have answered sooner, but that I am yet limited in my indulgence in this way. I keep my mind void of care,—read novels, ride, walk, play at battledore, and take as much exercise as I can bear, avoiding physic as much as possible. I am improving fast by this discipline. Tazewell, and Webster, meantime, have been reaping laurels in the Supreme Court, and I have been — sighing. North of the Potomac, I believe to a man, they yield the palm to Webster: South to Tazewell. So, you see, there is *section* in everything. Time will put all these matters right.

Poor Pinkney! He died opportunely for his fame. It could not have risen higher.

* * * * * *

He was a great man. On a set occasion, the greatest, I think, at our bar. I never heard Emmett nor Wells, and, therefore, I do not say the American bar. He was an excellent lawyer; had very great force of mind, great compass, nice discrimination, strong and accurate judgment: and, for copiousness and beauty of diction, was unrivalled. He is a real loss to the bar. No man dared to grapple with him without the most perfect preparation, and the full possession of all his strength. Thus he kept the bar on the alert, and every horse with his traces tight. It will be useful to remember him, and, in every case, to imagine him the adversary with whom we have to cope. But, I assure you, I do not enjoy more rest because that comet has set. There was a pleasurable excitement in wrestling with him on full preparation. In my two last encounters with him I was well satisfied, and should never have been otherwise when entirely ready. To draw his supremacy into question, anywhere, was honour enough for ambition as moderate as mine.

Poor Pinkney!—After all, how long will he be remembered? He has left no monument of his genius behind him, and posterity will, therefore, know nothing of such a man but by the report of others. What should we have known of Hortensius, but for Cicero?

* * * * *

With respect to Baltimore — it would amuse you to hear the contradictory counsels I receive on this subject. The newspapers and public rumour have committed me for immediate resignation and removal thither. I have as yet decided on nothing but that I will, without resigning, attend the courts in Baltimore and Annapolis, this spring and summer, and decide on that experiment.

* * * * * * *

I believe your picture of Virginia is faithfully drawn: and yet I cannot tell you how much I suffer in feeling, from withdrawing my family and children from the beloved Old Dominion. I think I shall send my sons back, if I shall be able to settle them there to any advantage. But enough of this—it is time for me to take my exercise.

Yours affectionately,

WM. WIRT.

In accordance with the resolution expressed in this letter, Mr. Wirt prepared for a more enlarged practice in the courts of Maryland, and became, from this date, a regular attendant upon the terms in Baltimore, as well as of the Court of Appeals in Annapolis. He also, at this time, partly with a view to the recreation of the journey, accepted

an engagement to try some causes in the upper district of the State of Maryland, and spent a few days for that purpose in Hagerstown, whither he journeyed chiefly on horseback. These occupations served to restore his physical vigour and to increase the cheerful tone of his spirits, as we shall see in the badinage of the following letters.

In presenting these little fragments of a family correspondence, I am enabled to furnish the reader a pleasant evidence of the character of the intercourse which the Attorney-General was accustomed to hold with his children. It was a most amiable feature in his system of domestic education, that he sought to win their confidence by an intimate association and sympathy with them, even in the most trivial concerns which occupied their thoughts. He mingled in their amusements, gravely deliberated with them in whatsoever scheme seized upon their fancy, and availed himself of all suitable occasions to insinuate his counsels in the most agreeable forms.

Some important matters are here discussed.

TO LAURA H. WIRT.

BALTIMORE, April 18, 1822.

MY DEAR CHILD:

You wrote me a dutiful letter, equally honourable to your head and heart, for which I thank you, and when I grow to be a light-hearted, light-headed, happy thoughtless young girl, I will give you a *quid pro quo*. As it is, you must take such a letter as a man of sense can write, although it has been remarked that the more sensible the man, the more dull his letter. Don't ask me by whom remarked, or I shall refer you, with Jenkinson, in the Vicar of Wakefield, to Sanconiathon, Manetho and Berosus.

This puts me in mind of the card of impressions from the pencil seals, which I intended to enclose last mail, for you, to your mother, but forgot. Lo! they are here. These are the best I can find in Baltimore. I have marked them according to my taste. But exercise your own *exclusively*, and choose for yourself, if either of them please you.

Shall I bring you a Spanish guitar, of Gilles' choosing? Can you be certain that you will stick to it? And some music for the Spanish guitar? What say you?

There are three necklaces that tempt me,—a beautiful mock emerald, a still *more* beautiful mock ruby with pearl, and a still *most* beautiful of real topaz:—what say you?

Will you have either of the scarfs described to your mother, and

which—the blue or lilac? They are very fashionable and beautiful. Any of the wreaths or flowers? Consult your dear mother:—always consult her, always respect her. This is the only way to make yourself respectable and lovely. God bless you and make you happy.

Your affectionate father,

WM. WIRT.

TO THE SAME.

BALTIMORE, April 19, 1822.

MY DEAR LAURA:

I have thought fifty times, more or less, of what I always forget when I write to you, (in which there can be no doubt, I take after you,) and of which I have just been reminded by doing the act itself (that is, writing): I, therefore, sit down, by way of making sure work of it while the matter is fresh in my mind—(in which, there can be as little doubt, I do not take after you) to tell you what it is. And it is nothing more or less than this:—that the first thing upon this terraqueous globe, composed, as it is, of earth and water—(otherwise, what I am about to say had not been so true), is to absterage and purify the *pericranium*, (which, being rendered, signifieth the external skin or integument which surroundeth the head—(*peri* being the Greek for "*round about*," and *cranium* being the generic name for all the bones of the head (whereupon on closer consideration, I am not very clear whether the pericranium be not the *inner* skin which forms the immediate integument of the bones aforesaid)—but why should I remain in doubt? Vide Walker—(my way you know) "*Pericranium*: the membrane that covers the skull." That covers the skull? how?—within or without? I suppose the whole skin of the head, including both its inner and outer surface, muscles, blood-vessels, &c. However, I mean the skin of the head in *popular parlance*)—and what I want to tell you, and what I will tell you, is, if ever I can get out of this scrape of quadrupically involved parenthesis within parenthesis (—but as to the settling the account among them, and getting out arithmetically, grammatically, and scientifically,—not to say algebraically, cabalistically, theseically and ariadnically, (meaning, by a clue) I despair of any such escape from an ambuscade so desperate. So, not being able to untie the Gordian knot, I shall cut it:—*aut inveniam, aut faciam*, as Alexander, *or somebody else*, said, on a parallel occasion, *perhaps* the very Gordian occasion aforesaid) that to lustrate as well as to give lustre (so note the distinction) to the hair, the best thing is —— whiskey—pure, uncoloured, white whiskey;—"*experto crede Roberto*," (as old Robert Burton is in the humorous habit of saying, in that most facetious of all books, his "Anatomy of Melancholy.") You cannot conceive the virtue and power of this liquid thus applied! The Alps and Pyrenees, nay, dandruff, and all sorts of cutaneous im-

purities sink before it. It gives a most delightful glow to the whole head, opens all the pores and suffers them to breathe freely. And then, it gives such a gloss to the hair! such a splendid and radiant brightness, such a tendency to throw itself into rich and graceful curls!—to say nothing of the fragrance that it breathes around. Venus, when she met her son in the woods near Carthage, and when, in spite of her teeth, *patuit dea*, her hair was a trifle compared to it.

> "Dixit: et avertens, rosea cervice refulsit,
> *Ambrosiæque comæ divinum vertice odorem*
> *Spiravere.*"

She had, no doubt, washed her hair with whiskey, that morning. You will hear it crackling around your head like electric sparks flying off: though this is nothing more than the breaking of the saponaceous bubbles, formed by the chemical combination of the whiskey with the oleaginous exudation of the hair, (which process it is not, at this time, *altogether convenient* to explain.) But, Laura, seriously and gravely, and all jesting, extravagance, eccentricity, and hyperbole apart, immediately on the receipt of this, do send out for a quart of pure, uncoloured whiskey: wash the skin of your head all over, and the back of your neck with it, *every morning; let it touch every part of the skin, and wet all your hair.* Try it for one week, *every morning*, and then, afterwards, at least *twice or thrice a week*, and I will give you one of the prettiest little trinkets, *pour le doigt*, when I come home, that you ever saw. Will you do this deed for me, or will you not? Observe, the thing is to be done *thoroughly*, or not at all. Let me hear from you on this fertile theme by the mail of to-morrow. And so having, *paucis verbis*, given you this *morceau* of precious counsel, I lay down my pen till I see what the mail will bring, and wish you, my dear child, *bon soir.*

Your affectionate father,

WM. WIRT.

In a May-day festival in Washington, his daughter was assigned the part of the May-Queen. The next letter contains a grave effort at preparation for this weighty affair, and some earnest admonition.

TO MRS. WIRT.

BALTIMORE, April 29, 1822.

* * * * * *

Tell E. that the stage, yesterday, was too full of talk for poetry. But I have hitched together a few lines for her this morning, which I send, and which she must not recite like a school-girl — but like the lady who spoke Collins' Ode to the Passions. There must be no foolish tremor, nor giggling, but grave and steady-voiced feeling, and

distinct enunciation — with which it will have a fine effect, and do her credit. Otherwise the attempt will be a failure.

Friends, comrades, sisters — thanks to all! (*Bowing.*)
I feel the honour of this call. (*Right hand on the heart.*)
Ne'er will my heart forget the day
Your kindness made me Queen of May. } *Slow and feelingly.*
Daughters of Spring!* May all *your* hours
Be bright and gay as these sweet flowers. (*Pointing gracefully to the crown.*)
Long, long may such your pathway strew! } *Waving the right hand slowly off to the right, as if dropping flowers from it.*
And oh! may they be thornless, too.
Now, for our country, one short prayer;
Our country, Heaven's peculiar care! (*Looking up.*)
No other crown may this dear land e'er know,
But such as grace the maid's and patriot victor's brow!!!

N. B—The two last lines are to be pronounced with both hands gracefully folded on the bosom, the eyes raised towards Heaven, and kept fixed on it, and the voice swelled with energy — the body stooping a little gracefully forward — words slow.

* * * * * * *

W. W.

Doubtless, these minute directions, being implicitly followed, produced the desired effect.

TO LAURA H. WIRT.

BALTIMORE, April 30, 1822.

I thank you, my dear Laura, for your note of yesterday. I can't come down to-morrow. The Federal Court meets, and it is harvest time. But as I am new in the field, and may not be permitted to reap where I have not sown, I must be content with the privilege of gleaning.

"The lovely young Lavinia once had friends."

— How much I am like her!

"Come down to-morrow"—quoth 'a? Would that I could, to bless all the children. By-the-bye, if G. did not deliver my letters, Lizzy will be without her May-Queen address. Whereupon, I think (for it just strikes me) that I will send a duplicate in this; and although she may not receive it in time to commit it to memory, she can hide it in her handkerchief and read it slily, as the President does his inauguration speeches. Mr. Madison used to hide his in the crown of his hat, and read it slily there.

(* *Daughters of Spring, are the girls. The hands and arms must be thrown kindly open while addressing them.*)

I wonder if our dear C's are with you? It is almost too good to think of. Poor me!

"Hard is my fate"—*seu potius*—

> "Full sad is my heart when I view the black ruins
> Where once stood the cottage of Ellen O'Moore."—

—Or words to that effect. But I am working for you all, and this consoles me, and even gilds the pill of absence—I was very near saying, *consoles* the pill of absence. So much for figures! Don't sigh—I don't mean *arithmetical* figures.

* * * * * *

Tell your aunt that in a long walk this evening I passed by Glendy's church, which put me in mind of Old Staunton, and "the days that are gone, to return no more"—alas, and woe is me!

> "But what's the use of sighing
> When time," &c.

Tell your dear mother that it is four minutes past nine, and consequently bed-time; and as she is two letters in my debt, I cannot find it in my heart to heap coals of fire on her head, &c. So love to her and all the children.

Your affectionate father,

WM. WIRT.

TO LAURA H. WIRT.

WASHINGTON, July 15, 1822.

MY DEAR LAURA:

I am much obliged to you for my part of the entertainment furnished by your letters, and I am just going to make some return for it.

I have been to Annapolis, to West River, to Baltimore, and came home yesterday, at one o'clock, where I found all well but Robert, who, however, says that he is well enough, he thinks, to commence his journey to Virginia.

* * * * * * *

What you call my *short*, *dry* and *sententious* and *brief*, *pithy* and *oracular* letter, *puts me in mind* of a salutation of Mr. T.'s, the senator, which I have heard rehearsed since I left home. You know with what frightful impetuosity he talks,—like the windlass of a well that had broken loose, just as the full bucket has reached the top, and goes thundering down again,—which, I must confess, is a figure of Doctor Jack Foushee's, applied to Sheffey. He was saluting a lady, an old acquaintance:—"Why, bless me, Madam, what is the matter? You used to be *round*, *plump*, and *jolly*, and now you are *lean*, *lank*, *thin*, *flabby*, and *emaciated*." You must run over these

words as hard as you can lay legs to the ground, to have any idea of them. They are well rehearsed by J. B., the senator, who heard the salutation. And this puts me in mind of another story (don't it put you in mind of *two?*) that I heard while I was gone. It is an instance of broken figure, or rather figures, or ratherer a compound fracture of figures, or ratherest a *chaos* of them, exhibited in a speech made by one of my brother lawyers at Baltimore, not long since:—"This man, gentlemen of the jury, walks into court like a motionless statue, with the cloak of hypocrisy in his mouth, and is attempting to screw three large oak trees out of my client's pocket." And this puts me in mind of several others, which I shall reserve for a future occasion.

The first of them (T.'s salutation) *puts me in mind* of your aunt N., by what association of ideas I leave her to divine. How is her health? Any chance of the round, plump and jolly — or has she kept bad company so long that she is doomed forever to remain lean, lank, thin, &c.?

Your mother sends you two Russian letters, which came to hand on Saturday. One of them was opened by Miss M——'s request. Why, her letter, also sent, will explain. As she expected, part of her letter was found in yours. M—— having exchanged a sheet (not a shot) between you.

I send you a song called "They 're a' Noddin," with which, it is said, all Edinburgh is echoing; also, one of the glees sung at the Anacreontic club in Baltimore,—and some other songs,—*inter alia*, the rival airs of Baltimore to the serenade in the Pirate.

I have received a letter from Colonel L., containing the expression of his daughter's thanks for yours, which I enclosed to him, and I think she promises to write. The old Colonel is, as usual, in a great quandary about money matters—sad and merry, and melancholy and droll, in the same sentence. They have stopped his pay at the treasury office; he says, "I must address a prayer to Jupiter to change my family into chameleons."

* * * * * *

I thought I had a great deal to say to you, but the truth is I find I have nothing to say. If I tell you about Annapolis, and West River, and all that, what will you care? Even if I were to describe Miss Mercer's beautiful seat, with the Chesapeake Bay on one side; the ships in motion in all directions, and some at anchor within a few hundred yards of the house; on the other side, a most elegant park, filled with fine, fat, beautiful, "round, plump, and jolly" fallow deer, lying down in the shade, or bounding and browsing through the wood; the house, itself, beautifully adapted, by the structure and arrangement of its rooms, to so picturesque a scene—and the mistress of the house not inferior to any of Scott's heroines—what would you care for it all?

Perhaps, if I were also to tell you that this same Miss Mercer assured me that she had been making a historical collection from all the books that she could find or hear of, touching Sir William Wallace —that Miss Porter had entirely mistaken his character, and that she, Miss Mercer, was half inclined to give her battle on this theme, (which, by-the-bye, she is very able to do,) you would think it more to the purpose.

Then again, if I were also to tell you that the house at which I went to visit,—Mrs. Thomas' (an aunt of Henry Murray's)—is one of the first houses built in Maryland; — that there is, among other ancient archives there, a receipt for repairs done on the house in the year 1645; that the library, which is a separate house in the yard, is so old that the cypress shingles with which it was covered on one side of the roof, have assumed the appearance of old corn-stalks, from the mere washings of the rains; that in the library, which is a large one, there is not a book that has been printed since the reign of Charles II., and that the collection is the most learned and curious that I have ever beheld; that there is a row of huge cedar trees, so old that all the hearts and bodies are rotted away, and that, from mere age, nothing remains but the bark, which carries up the sap;— with a thousand other antiquities; — and that this estate has always remained in the same family from the first establishment of the colony; and that there is now a very pretty girl there, about eighteen, as strongly addicted to genealogy as old McQueen, in the Children of the Abbey, who has formed a fine genealogical tree, which traces up the family (the Murrays) to the Duke of Athol, and his son the Marquis of Tullibardine. What would you say then? "What's Hecuba to me?" — very true — and as for me, I am exceedingly sleepy. So good night.

Your affectionate father,

WM. WIRT.

TO JUDGE CARR.

BEDFORD, PA., August 10, 1822.

I plead guilty, my dear Chevalier,—but "*bonus aliquando dormitat Homerus,*" you know. As to the matron's bones, God rest them! Did you ever see a bee in a tar-barrel? Or, if you never did, did you ever hear tell of one, &c., &c., according to Sterne's case of the white bear?

My wife stood the fatigue of nursing like a good Christian, and an affectionate and devoted help-mate, — for which may the Lord bless her both here and hereafter! She missed you most sensibly, when you had to leave us, and felt, as she should, the kindness of your coming. But enough of this. We rejoice that you are safe at home, —your happy, happy home; and may God bless you all.

We have been here a fortnight yesterday, and, as at present advised, propose to strike our tents on Wednesday next. I think we shall go by the Shannondale Springs: would that we could meet you there! There is, in my opinion, and judging by its effects on myself, little, if any difference between that water and this; and the difference, if there be any in favour of this place, would be more than counterbalanced, even in the article of health, by the superior enjoyment of the heart and mind, and the consequent edulcoration of the spirits which I should derive from spending a fortnight with you. Pray, can you not run down and meet us, and spare me a few days? I think we shall get to Shannondale about this day week. Meet us, at all events, with a letter; and meet us in person, if you can. For as I advance towards old age, and the time of my final separation from Virginia draws nigh, my affections cling with more anxious and jealous tenacity to everybody and everything that have been endeared to me in that State. There are persons and things and scenes in old Virginia of whom and which I cannot think, in connection with the thought of a final separation, without feelings that overcome my manhood. I feel as if the game of life were up with me, — as if everything like the joy of the heart had perished. I feel a cold chill at the thought of going among comparative strangers. There are few, I fear, there, that love me, out of my own family: but there is, at least, one,—H. T., a native of England, who came to this country in early youth, and was intimate with Colonel Gamble's family from that time to this. He is a warm-hearted, amiable, most excellent man, and is, I believe, sincerely attached to me. But even he is not a lawyer, never attended the courts of Fluvanna with me, could never recite Gray's bard, — did not grow up with me in the communication of the same professional hopes, fears, triumphs and disappointments; in short, had not intermingled and intertwined all the shoots, vines, tendrils of reciprocal affection and feeling for more than a quarter of a century, until we were in a measure almost incorporated and identified, and a separation becomes not merely a disengagement of branches, but a riving of the trunk, and a splitting open of the heart.

Now, on the reverse, (for what is the use in brooding only over melancholy views,)—I go to Baltimore,—devote myself to my profession,—study law and eloquence over again,—try experiments,—get fame,—establish my family in independence,—visit my friends in Virginia once every year, and, in the meantime, correspond with them continually, — and, in due time, die distinguished, respected, and sincerely mourned, by a few,—perhaps find time to leave something that may survive, so as to be able to say, with Horace, "Non *omnis* moriar."

This is cheering,—and with this I take my leave,—begging my love to your wife and children, to which Mrs. Wirt asks leave to add hers, and to include yourself.

"I am well,—so I'll keep," if I can.

If this should find Coalter with you, give my love to him. And give it, at all events, to Henry Tucker. Where and how is poor Holmes? Pray remember me kindly to him.

God bless you!

Your friend ever,

WM. WIRT.

Another to his daughter:

TO CATHARINE WIRT.

BALTIMORE, November 24, 1822.

MY DEAR CATHARINE:

Yesterday morning I arose before day,—shaved and dressed by candle-light,—took my cane and walked to market. There are two market-houses, each of them about three or four times as long as ours in Washington. The first one I came to was the meat market; the next, which was nearest the basin, was the fish and vegetable market. O! what a quantity of superb beef, mutton, lamb, veal, and all sorts of fowls!—Hogsheads full of wild ducks, geese, pheasants, partridges; and then, on one side of the market-house, leaving only a narrow lane between them, a line of wagons and carts groaning under the loads of country productions; these wagons and carts on one side and the market-houses on the other forming a lane as long as from our house to St. John's Church. I must not forget to mention the loads of sweet cakes of all sorts and fashions, that covered the outside tables of the market-houses, and the breakfasts that were cooking everywhere all around for the country people who come many miles to market.

You may conceive the vast quantity of provisions that must be brought to this market, when you are told that sixty thousand people draw their daily supplies from it,—which is more than twice as many people as there are in Washington, Georgetown, Alexandria and Richmond, all put together. Well, and so, after I had walked all round and round and through the market-house, I left it and bent my steps towards the country, and walked two miles and a-half out to Mr. Thompson's to breakfast. It had been cloudy and rainy for several days; but the night before had been clear, and although the road was still wet, the morning above head was bright and beautiful. After walking about a mile I came to the summit of a hill that overlooks the city, and there I stopped a moment to take breath and look back on it. The ground had begun to smoke from the warmth of the rising sun, and the city seemed to spread itself out below me to a vast extent—a huge dusky mass, to which there seemed no limit. But towering from above the fog was the Washington Monument (a single beautiful column 160 feet in height, which stands in Howard's Park, and is rendered indescribably striking and interesting from the touching

solitude of the scene from which it lifts its head,) and several noble steeples of churches, interspersed throughout the west of the city, whose gilded summits were now glittering in the sun. Casting the eye over Baltimore, it lights upon the Chesapeake Bay, and, after wandering over that flood of waters, it rests on Fort McHenry and its star-spangled banner. This is the fort where our soldiers gained so much glory last war, and the very banner with regard to which Mr. Key's beautiful song of the "Star-spangled Banner" was written. After feasting my eye for some time on the rich, diversified and boundless landscape that lay before me, meditating on the future grandeur of this city and the rising glories of the nation, I turned around my face to resume my walk into the country, when all its soft beauties burst, by surprise, upon me. For while I had been looking back on the town, bay and fort, the sun had risen and was now so high that its light was pouring full upon hill and valley, field and forest, blazing in bright reflection from all the eastern windows of the hundreds of country-houses that crowned the heights around me, and dancing on all the leaves that waved and wantoned in the morning breeze. No city in the world has a more beautiful country around it than Baltimore, in the direction of the west, north and east. In the direction of Washington it is unimproved; but in the other points all that could have been expected from wealth and fine taste has been accomplished. The grounds which were originally poor have been made rich; they lie very finely, not flat and tame, nor yet abrupt and rugged, but rising and falling in forms of endless diversity, sometimes soft and gentle, at others bold and commanding. This beautifully undulating surface has been improved with great taste, the fields richly covered with grass, the clumps of trees, groves and forests pruned of all dead limbs and all deformities, and flourishing in strong and healthy luxuriance. The sites for the houses are well selected,—always upon some eminence, embosomed amid beautiful trees, from which their white fronts peep out enchantingly; for the houses are all white, which adds much to the cheerfulness and grace of this unrivalled scenery. I hope one of these days to show it to you in person, and then you will be able to imagine what a delightful ramble I had to Mr. Thompson's yesterday morning. I took them quite by surprise; but it was a most agreeable one, and they were rejoiced to see me. Mr. Thompson inquired most kindly after all in Washington,—and giving me a good country breakfast, (most delightful butter,) brought me back to town in his gig, where we arrived by nine o'clock, an hour before Court. Was not this an industrious morning?

* * * * * *

Your affectionate father,

WM. WIRT.

Turning from these scenes and incidents of domestic life to graver cares, I am able to furnish an agreeable exposition of the political sentiments which governed the Attorney-General, in the discharge of his cabinet duties.

The reader will observe, in the following letter, with what prompt and responsive appreciation of high merit Mr. Wirt sought the opportunity to promote the honour of the nation and to render a just tribute to an eminent man, without regard to, and even in defiance of the political antagonism which party domination, even at that day, was too much accustomed to regard as an inseparable disqualification.

Upon the death of Judge Livingston, of the bench of the Supreme Court, in 1823, the President offered the appointment to Mr. Smith Thompson, then the Secretary of the Navy. This gentleman was very reluctant to accept the office, and for some time the question of the appointment was held in suspense. During this interval the name of Chancellor Kent was brought into view by his friends in New York, as one eminently worthy of the attention of the Government. The only objection that could be raised to this most distinguished jurist and most excellent man was, that he belonged to the Federal party; and the two great political divisions of the country had not yet fallen into a temper of conciliation sufficiently mild to allow this objection to be overlooked by the President, however personally well disposed he might be to break down a barrier which had hitherto excluded many of the best men of the nation from the public service. Mr. Wirt took a very decided stand in favour of the appointment, and wrote a strong letter to the President, urging upon him the importance of setting aside all party considerations upon this question. The subsequent reconsideration by Mr. Thompson of his refusal to accept the place, put an end to the discussion, and rendered it unnecessary for Mr. Monroe to make a decision upon the matter submitted to him by the Attorney-General.

I present an extract from the letter referred to:

TO THE PRESIDENT OF THE UNITED STATES.

BALTIMORE, May 5, 1823.

DEAR, SIR:

I received the day before yesterday the enclosed address from the New York bar, which was intended to pass through my hands to you.

* * * * * *

I sincerely wish Judge Thompson could see his interest in relieving you from this embarrassment by accepting the appointment. If he will not, can you make an appointment more acceptable to the nation than that of Judge Kent? I know that one of the factions in New York would take it in high dudgeon at first. Probably, too, some of the most heated republicans and interested radicals who seize every topic for cavil, might, in every quarter of the Union, harp a little, for a time, on the same string. But Kent holds so lofty a stand everywhere for almost matchless intellect and learning, as well as for spotless purity and high-minded honour and patriotism, that I firmly believe the nation at large would approve and applaud the appointment. It would sustain itself and soon put down the petty cavils which might at first assail it.

The appointment of a judge of the Supreme Court is a national and not a local concern.

The importance of that court in the administration of the Federal Government, begins to be generally understood and acknowledged. The local irritations at some of their decisions in particular quarters (as in Virginia and Kentucky for instance) are greatly overbalanced by the general approbation with which those same decisions have been received throughout the Union. If there are a few exasperated portions of our people who would be for narrowing the sphere of action of that court and subduing its energies to gratify popular clamour, there is a far greater number of our countrymen who would wish to see it in the free and independent exercise of its constitutional powers, as the best means of preserving the Constitution itself. The Constitution is the public property of the United States. The people have a right to expect that the best means will be adopted to preserve it entire; which can be no otherwise ensured than by organizing each department under it, in such a manner as to enable it to perform its functions with the fullest effect. It is now seen on every hand, that the functions to be performed by the Supreme Court of the United States are among the most difficult and perilous which are to be performed under the Constitution. They demand the loftiest range of talents and learning and a soul of Roman purity and firmness. The questions which come before them frequently involve the fate of the Constitution, the happiness of the whole nation, and even its peace as it concerns other nations.

It is in this view of the subject I have said that the appointment of a judge of the Supreme Court is a *national* and not a *local* concern: and therefore, in making the appointment, I think that instead of consulting the feelings of local factions, (whose *heat*, as Dean Swift says, is always in proportion to their *want of light*), and instead of consulting the little and narrow views of exasperated parties, a President of the United States should look to the good of *the whole country*,

to *their great and permanent interests*, and not to the ephemeral whims and exacerbations of the day.

A *mediocre* appointment would be regarded as a sacrifice to the local factions in New York, or as a sacrifice to the contracted prejudices of the most contracted of our own party there and elsewhere. And I do verily believe that such an appointment to the bench of the Supreme Court, would occasion more mortification and disgust, and draw down on the President far more censure than could result from the appointment of Judge Kent. Every enlightened man in the country would censure such an appointment; and it would be a censure that would last, because it would be founded in reason. Irrational censures which result from blind prejudice soon perish in their own insignificance: but those which are dictated by truth and reason are seldom got rid of. History lays hold upon them and deduces from them the character of the appointing power. If the appointment has looked, with a fearless eye, to the great and lasting interests of the nation, the attribute of magnanimity is stamped in imperishable characters on the appointer. If, on the contrary, an appointment to so high a place has been conferred on an inferior and comparatively insignificant character, through deference to local feelings and party prejudices, it fixes on the appointer a character of feeble, contracted and time-serving views, which will cleave to him on the page of history, long after the parties which gave rise to it have ceased to exist and have been forgotten.

The strongest features in your administration have been the boldness, the independence and magnanimity of your course, — the high-minded and just confidence which that course has evinced in the virtue and wisdom of the people, — the doing the thing which is right in itself, in the firm reliance that, whatever little transitory effervescences it may produce, the people will ultimately ratify and approve it. This is the true criterion of a genuine republican administration; and it will be conceded, among all candid men, to have marked yours in a pre-eminent degree. Will it be in keeping with the other measures of your administration, to fill such an office as this with an inferior character, from deference to local and party feelings?

I am not so visionary as to suppose that the thing which is best in the abstract can, in the present state of parties, or perhaps in any state of them which we can hope for under our Government, be always safely and prudently done. I know that there must be some sacrifice to popular prejudices, even to enable the President to mitigate the rage of party itself. But the field of appointments is wide, and there is room enough for this sacrifice, without invading the bench of the Supreme Court. That bench should be set apart, and consecrated to talent and virtue, without regard to the shades of political opinion by which its members may have been or may still be distinguished. If, indeed, a man were a violent, bitter and persecuting federal partisan,

intolerant of opposite opinions, I would not place him there: for that is a cast of character which, whether he belonged to the one side or the other, would disqualify him for a seat there, or anywhere else where judgment was to be coolly and impartially exercised. This, however, is not the character of Judge Kent. He may have been decided in his political character, — but I never heard that he was intolerant, or that there was any thing like littleness or persecution in his composition. His conversation and manners are indicative only of a simplicity almost infantile, and of the most perfect kindness and suavity of disposition;—and such, I have understood, has always been his character. Judging by what I have seen of him, and by all that I have ever heard, he is as benignant and patriotic as he is admitted on all hands to be great and enlightened.

With regard to the great subject of state rights, which has produced so much excitement in Virginia and Kentucky, it happens that, if he has any leaning, it is rather in favour of state rights. This has been shown by his decisions in the steamboat cases, where he has uniformly upheld the state laws of New York against all the objections which could be raised of their repugnance to the Constitution and laws of the United States.

There is one other view of this subject with which I will trouble you. Federal politics are no ways dangerous on the bench of the Supreme Court, while the federalists who may fill that bench are in their characters mild, virtuous, patriotic, and enlightened. There is no danger that that court will ever act over the scenes with which Bromley, Scroggs and Jefferies disgraced the English bench. The Supreme Court has no criminal jurisdiction at all, except what Congress chooses to give it, or to permit it to retain. And as long as Congress is in the hands of the people, there is a restraining power over the authority of that court which will always render it harmless to the country, even if it were viciously disposed, and were not amenable to impeachment. In this view, I should have no fear of the politics of Judge Kent, even if they were of a stronger character than I believe them to be.

I admit that it is highly probable his appointment would, at first, produce considerable excitement: but it would be very short-lived. The very first opinion that he delivered on the bench would extinguish it, and prove that his appointment was in perfect harmony with all the great and bold measures of your administration. I have no doubt that it would, in the end, become unanimously popular, and redound equally to the honour of yourself and him.

I expressed these opinions to Mr. Calhoun two months ago, and he concurred in them. I mention this to guard against your admitting, for a moment, the thought that I have been urged to what I have written by the request of the New York bar.

This letter results purely from my affection for you, and my solici-

tude that you should do, on every occasion, as you have all along done, what is most for your own honour and the good of the country.

With regard to New York, it is enough that you name a successor from that State: it would be going, I humbly think, too far not only to let her furnish the judge from her citizens, but to name the individual. Still worse would it be to permit, not the State, but a faction in that State, to name the individual, or in any manner to narrow the range of your choice.

I am sure you will excuse this long letter, knowing as you do the motives from which alone it can flow, and that you will believe me, as I have ever been,

Your devoted friend and servant,

WM. WIRT.

We change to gayer topics in the next letter.

TO WILLIAM POPE.

WASHINGTON, June 5, 1823.

MY EXCELLENT FRIEND:

Your letter of the first of May found me at Baltimore, plunged up to the chin in law-suits. I never like to write to you when my mind is pressed with business. I love to be at my ease, that I may talk all imaginable nonsense with you, free from the reproaches of conscience that I am, in the meanwhile, neglecting serious business. Your letters are always most welcome to me; but of late years, since misfortunes have fallen on my friends in Virginia, and since my own destiny seems to have separated me forever from that beloved State, they are the music which Ossian describes — "The memory of joys that are past — pleasant and mournful to the soul."

When alone and unengaged with business, my mind finds a pensive pleasure in running back to scenes we have enjoyed together, and retracing every incident that afforded us so much light-hearted and innocent amusement. That same Rock Castle dinner shines conspicuous in this backward view. Do you remember what a fury our friend Davy got into with O'Reilly's horse, for running in among the corn? — "D——n the horse!" — "God forgive me," quoth Davy. And then — "I'll be *dab'd*:" — and the negro mimic at Saunders' store; — and the crossing the river at night to old Mead's, — not to say any thing of the scene in the ferry-boat, — when you surprised O'Reilly so much by rushing in alongside of him on horseback. — "Oh! the days!" But among them all, that long trip at Powhatan court-house, when we had up the case of Conrad Webb, and old Osbourne's will, — and used to retreat of evenings, and on Saturdays and Sundays, to the sweet shade and tranquillity of Montpelier. That was a charming time. Every thing in the trip was delightful,

—not excepting Daniel Call's head "waving like a flag on the turnpike." "But the days are gone." Oh! through what sad times have we lived, my dear Pope—what distressing reverses of fortune among our friends! * * * * We ourselves, too, have so certainly seen our best and brightest days, and have so little ahead to expect, that I feel continually disposed to cry out with the preacher—"All is vanity and vexation of spirit." And yet you, my dear friend, are just as fresh and buoyant as if you were only seventeen, and had the whole fairy world of youthful imagination still before you. What a treasure is such a flourishing, such a perennial flow of ever-living, ever-sparkling spirits! Would that I could be near you to see if they are still to be caught by contagion! But it is extremely dubious whether I shall be able to come to Virginia this summer. I have turned into the practice of the law, might and main, as a refuge both from poverty and low spirits. As yet, I have no reason to complain of my success. It keeps me pretty closely engaged. I have been in Baltimore for five weeks, and in a few days shall go to Annapolis, where I shall probably be detained till some time in July. In the course of that month I may be required to attend an intermediate court at the Bowling Green, for the argument of a cause between Henry Lee, son of the General, and Mr. Stuart. The latter is my client. Should this take place, I shall, as at present advised, go on, after the argument is over, to Richmond, and will write you as to the precise time as soon as I know it myself. I need not tell you what sincere pleasure it would afford me to accompany you in your projected visit to Albemarle; but this is more happiness than I dare to hope for. Besides, on reflection, almost all that we cared for in Albemarle are dead and gone, and to me it would be a visit to the tombs of departed friends. The present generation is almost entirely new to me.

This is a croaking letter, my dear Pope, and I am really almost ashamed to send it. Do not infer from it that you would find me a melancholy companion. In company that pleases me I am as gay, *to all appearance*, as ever; and as well calculated to join in and provoke the laugh. It is only when in solitude I look back to things as they were, and compare them with things as they are, that the cold cloud comes over my heart. But enough and too much of this.

Pray continue to write to me. I wish we could have had one evening at Montpelier as I came down from Mr. Cabell's, but I would not have consented to your turning back—that was out of the question. I was desirous, however, of seeing and hearing you overflow once more in conversation, and convincing you that our separation had made no change in my feelings towards you. In truth, I wanted one of our old time's joyous, *uproarious* talks with you. If I do come to Richmond I will go to see you, and I will carry up Major Clarke with me,—and you shall get Morris over,—and we will have,

east, one heavenly day. How is my dear Morris? He is one hose acquaintances it always gives me pleasure to think I have le in this mortal pilgrimage. His friendship is among the few ht spots in my retrospect. I take it for granted that you and he continue to set your horses amicably together. Talking of horses ray what has become of Morgan Rattler, of whom I think much e sentimentally than I do of Eclipse or Henry? Apropos—what me of your promised visit to Washington, last winter? I gave the information you wanted, and it was such as I supposed was sure your coming on; but I heard no more of it. I wish I had with me on this trip to Annapolis. It is one of the prettiest es in the world; and we have both an agreeable court and bar. y are, in truth, merry dogs — love a joke to the core — and you ld fit them to a T. And then, we would take the steamboat by timore, home. And Baltimore, let me tell you, is a place worth ing at — the third city in the Union — with a more beautiful nage than any city in the world. And you have never seen shington in summer apparel. You have never mounted those hts and looked down upon three cities at your feet. You have r seen the big Falls of Potomac — you have never inspected Fort shington, nor rolled on the bay in a steamboat. In short, I doubt edingly, if the trip would not afford you more interest than your imental journey to the Barracks; unless, indeed, you could have lock and Phil. Gooch along to act over again the farce of the gle.

ray, who are those writers in the Enquirer — Pendleton and the?—Ritchie is, I have always thought, as honourable and pure llow as any that treads on the soil of Virginia — and his opinions nen and things are as conscientiously formed as any man's — but loes not always see the whole ground — and he is both a little too npt and a little too obstinate.

With regard to the presidential question, I have thought it most istent with delicacy, as a member of the cabinet, to withhold the ression of any opinion the one way or the other. From my situa-, and the opportunities which it gives me of knowing the candi-s, it is at least possible that more weight might be attached to my ions than they deserve; and, unless the country were in greater ger than I suppose, in this controversy I should not think it fair roper to make use of any such factitious weight in favour of the candidate or the other.

he President, from the same course of thinking and feeling, which ies, however, with increased force to him, has observed the most ct neutrality; and I know no man better qualified to mark out path of prudence to another. I *have* a preference, however;— it is highly probable that we agree; though you have not said gh either to mark your own opinion, or to make this conjecture.

of our agreement a commitment on my side,—which, for the reasons already given, I had rather avoid at present. It is not impossible I may adopt a different course before the affair is over — and certainly will, if my duty to our common country should seem to require it.

Mrs. Wirt and family are very thankful to you for your kind recollection of them. I need not tell you what a favourite you are with them all — nor how happy they as well as I would be to see you and yours.

I have written you here a very long, vapid letter, in the hope of drawing a very long and gay one from you. Pray write, and tell me something of your professional goings on. Have you had no comical cases lately? Our love to Mrs. Pope and dear Lucy Ann—how are they? "Farewell awhile—I will not leave you long."

Your friend,

WM. WIRT.

CHAPTER IX.

1824.

THE SUPREME COURT.—NEW YORK STEAMBOAT CASE.—EXTRACT OF A SPEECH IN REPLY TO EMMETT. — PRESIDENTIAL ELECTIONS. — CANDIDATES. — STATE OF PARTIES.—THE PRESIDENT AND CABINET ABSTAIN FROM INTERFERING IN THE CANVASS. —LETTERS TO CARR, MORRIS AND POPE. — LA FAYETTE'S RECEPTION AND PROGRESS. — ANECDOTE OF LORD STIRLING. — LETTER FROM GILMER IN ENGLAND. — SHAKSPEARE'S HOUSE. — DEATH OF ROBERT, THE ELDEST SON OF THE ATTORNEY-GENERAL.

I COME now to notice, once more, the labours of the Attorney-General in the Supreme Court. The reader has had frequent occasion to observe, in the course of these Memoirs, how rarely the duties of my task have led me to offer even a sketch of the proceedings of the courts in which Mr. Wirt was so constantly engaged. Apart from the consideration, that any attempt to present such proceedings, even in a general narrative of them, to the reader, would but lead to a most tedious and uninteresting enlargement of these volumes, I should find still greater motive to avoid it, in the fact that no memo-

rials exist of these proceedings, and especially of the participation of the counsel in them, beyond the skeleton notes and memoranda which constitute the lawyer's brief, or the yet more imperfect outline which is found in the reporter's analysis of the points of law which may have been discussed.

The fame of the greatest lawyers, so far as it is built up in the active labours of the forum, rests proverbially upon a most slippery basis. No man has yet earned a reputation that has outlived the generation who witnessed his triumphs, upon the mere faith of a reporter's notes. We have an indistinct rumour, an imperfect tradition of the glories of an old forensic renown, in some remembered name of the last century. We turn to the reports to find some picture of that rich and glowing mind which is said to have wrought effects almost miraculous upon the auditors of the courts in the past time, and to have swayed the multitude, in its day, with a command which none could resist. How "shrunken and wooden" do we find the carved image of that fame in these dusty crypts of the law! We look elsewhere in vain. The overlaboured actor himself has had no time or no inclination to embody and preserve the brilliant thoughts or the learned reason which, in the utterance, so dazzled and charmed the hearers. The finer essences have fled — the dead skeleton only remains. Even in the lifetime of the oracle, the new generation grows up around him,—hearing only some remembered notes of that sweet music, which, day by day, are growing less distinct, and whose last echoes fade before the minstrel himself has sunk into the tomb. Such is the fame which has no better organ than the tongue,—

"A thing beyond us, e'en before our death."

Mr. Wirt's fate, in this respect, forms no exception to that of the mass of his profession. We have seen how laboriously he had toiled through the never-ending engagements of his position. He was at this period of his life employed in the greater number of the most important cases in the Supreme Court. He was also deeply immersed in the practice of the courts of Baltimore and Annapolis. His business seemed to be under a daily increase, until it now engrossed nearly every moment of his time, and, as we have already observed, seriously impaired his health. His family was large; his sons and daughters

were fast advancing to that age when they were to be introduced upon the stage of active life; his expenses, of course, were enlarged; new comforts, new luxuries, new necessaries were to be provided. An abundant and profitable practice met all these new demands: but his gay castles in the air began to vanish, and many a gilded fancy, which floated around the head of the ardent adventurer, from the days of his earlier manhood, now departed to that region of happy dreams, which has drawn its stores of gaudy relics from human credulity and hope ever since man deserted the realms of Paradise.

At this time a case of great importance, and which gained great celebrity, was about to be argued before the Supreme Court. It is well known to the profession as the Steamboat Case, from New York, —Gibbons against Ogden,—reported in the ninth volume of Wheaton. Wirt and Webster were associated for the appellant, Gibbons. Oakley and Emmett were opposed to them. It is said by the bar, that no cause, up to that date, in the Supreme Court, had ever excited a greater degree of interest and expectation in the country than this: that none was ever argued with greater ability. The chief question in the case was—whether certain laws of New York, which conferred upon Messrs. Fulton and Livingston the exclusive right to navigate the waters of that State with steamboats, were or were not in violation of the Constitution of the United States. Messrs. Wirt and Webster affirmed and sustained the unconstitutionality of these laws, with great power of argument, learning and illustration. Their opponents, with the zeal natural to the citizens of the great State which had granted the exclusive privilege, and with all the resources which the highest legal attainments and the most accomplished skill could supply, vindicated the laws in question. It is said to have been a most brilliant passage at arms in a forensic tourney. The New Yorkers were unsuccessful. The Court decided the case in favour of the appellants. Mr. Wirt's speech is preserved in the report. It was written out by himself, and is said to be "entirely conclusive." Still, however, it is not the actual speech itself, — though it embodies, perhaps fully enough, all the strong points. Those who have witnessed Mr. Wirt's oratorical efforts, will testify to the difficulty of ever furnishing an exact report, even by himself, of the finest passages in which his taste often led him to indulge. He was in the habit often of turning aside

from the direct patch of argument, to amuse himself and his hearers with an occasional gambol of wit or fancy, which came with most graceful playfulness to relieve the stress and weariness of mere dialectics. These digressions he could not report, or if he could, his taste or judgment would be apt to reject them as unsuitable to a grave exposition of his argument. All such passages were, therefore, apt to evaporate under his hand. In the case before us, there is one passage, however, which, as it had a particular point in reference to the adversary argument, has been preserved; and although not new to the professional reader, it will doubtless interest many who may peruse these Memoirs.

Before I proceed to lay this extract before my reader, I must invite his attention to the following letter, which gives a short and pleasant note of preparation for the combat which was then in expectation:

TO JUDGE CARR.

WASHINGTON, February 1, 1824.

* * * * *

Calhoun advised me the other day to study less and trust more to genius; and I believe the advice is sound. He has certainly practised on his own precepts, and has become, justly, a distinguished man. It may do very well in politics, where a proposition has only to be compared with general principles with which the politician is familiar But a lawyer must understand the particular facts and questions which arise in his cause, before genius has any materials to work upon: and in that preparatory examination consists the labour of the profession. The official questions which are propounded to me, too, are all out of the usual walks of my profession, and call upon me to explore new paths, and frequently to chop out an original trace, with my own hands, through the wilderness. My opinion books are full of this labour, and will save much trouble to my successor. If they were published they would do me more honour than anything else I have ever done. This I *confess* is modest, but I am writing to a friend.

To-morrow begin my toils in the Supreme Court, and about to-morrow week will come on the great steamboat question from New York. Emmett and Oakley on one side, Webster and myself on the other. Come down and hear it. Emmett's whole soul is in the cause, and he will stretch all his powers. Oakley is said to be one of the first logicians of the age; as much a Phocion as Emmett is a Themistocles; and Webster is as ambitious as Cæsar. He will not be outdone by any man, if it is within the compass of his power to avoid it.

It will be a combat worth witnessing. I have the last speech, and have yet to study the cause; but I know the facts, and have only to weave the argument. Now if you will come down, you will kill two birds with one stone. We will first feast you, and then cure you and send you home a well man. Don't make light of this proposition, and put me off with "I wish it was in my power." It is in your power. You have only to will it and it is done, and that you ought to will it, heaven and earth know. If you do not, you will be quite as much to blame as the man who kills himself with strong drink. In point of morality, there will be no difference between you. You cannot make a *sound* distinction between the two cases, to save your life. So do the thing that is right, and give us none of your "*clish-maclaver*," as Burns says.

To be serious, my dear friend, let me conjure you to remember that this is a case of life and death with you, and I beseech you on the bended knees of my heart, to be prompt and decisive in your efforts at recovery. You know how submissively I yielded myself to your friendly importunity when my own life was thought in danger, and do not let me beg you in vain, now that the case is reversed. I have done.

I shall not be able to write to you again during the session of the Supreme Court, but do you write to me again and again, and cheer and animate me in the battle I am to fight. One "well done" from you has always had more effect on me than the applause of thousands.

My wife and fireside unite in cordial greetings and prayers for health to you and yours—and I am as ever, till time shall be no more.

Your friend,

WM. WIRT.

Our extract from the speech in the steamboat case will be confined to the peroration, which has been cited more than once, as one of the best and most characteric specimens of Mr. Wirt's eloquence. Certainly, we may regard it as a very finished passage, in that department of oratory which is most popular and captivating to the multitudes who throng the forum; but I am unwilling to offer it as a specimen of the highest order of his eloquence, or to give it a rank above that more severe logical and sustained train of argument which, having less to flatter the public taste, usually draws less commendation, but which evinces much higher powers of intellect and true eloquence than these more favoured appeals to the heart or imagination of mixed assemblies. Many a dexterous speaker is to be found, able to charm the wise, no less than the simple, by pointed repartee, witty sarcasm,

or brilliant play of imagination, but whose wings would speedily dissolve in the heat and radiance of those upper regions of thought and boundless vision, where great minds only have a pinion to bear them safely. Mr. Wirt's argument in this case was still better than his peroration.

Mr. Emmett, at the close of his speech, had occasion to refer to the great benefactions which the State of New York had conferred upon the Union, by the solid patronage she had given to Fulton in the course of his efforts to bring the steamboat to perfection. "Where," said he, "can you travel without having your eyes delighted and some part of the fatigues of your journey relieved by the presence of a steamboat? The Ohio and Mississippi she has converted into rapid channels for communicating wealth, comforts and enjoyments, from their mouths to their head waters. And the happy and reflecting inhabitants of the States they wash, may well ask themselves whether, next to the constitutions under which they live, there be a single blessing they enjoy from the art and labour of man, greater than what they have derived from the patronage of the State of New York to Robert Fulton? But the mighty benefits that have resulted from those laws are not circumscribed even by the vast extent of our Union. New York may raise her head, she may proudly raise her head, and cast her eyes over the whole civilized world; she may there see its countless waters, bearing on their surface countless offsprings of her munificence and wisdom. She may fondly calculate on their speedy extension in every direction and through every region, from Archangel to Calcutta; and justly arrogating to herself the labours of the man she cherished, and conscious of the value of her own good works,* she may exultingly ask,

'Quæ regio in terris, nostri non plena laboris?'"

The reply of the Attorney-General to this passage of Mr. Emmett's speech, is thus reported:

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* In the report of this speech by Wheaton, it reads, "And, conscious of the value of her own good works, *she may turn the mournful exclamation of Æneas into an expression of triumph*, and exultingly ask," &c. These words in italics were interpolated after Mr. Wirt's reply, when the case was made up for publication,—as we shall see hereafter. The introduction of them here takes away the chief point of the reply, and to a certain extent renders that reply unintelligible.

"In conclusion, he observed, that his learned friend had eloquently personified the State of New York casting her eyes over the ocean, witnessing everywhere this triumph of her genius, and exclaiming in the language of Æneas,

'Quæ regio in terris nostri, non plena laboris?'

"Sir it was not in the moment of triumph, nor with the feeling of triumph, that Æneas uttered that exclamation. It was when, with his faithful Achates by his side, he was surveying the works of art with which the palace of Carthage was adorned, and his attention had been caught by a representation of the battles of Troy. There he saw the sons of Atreus and Priam and the fierce Achilles. The whole extent of his misfortunes, the loss and desolation of his friends, the fall of his beloved country, rushed upon his recollection:

'Constitit, et lachrymans, quis jam locus, inquit, Achate,
Quæ regio in terris, nostri non plena laboris?'

"Sir, the passage may hereafter have a closer application to the cause than my eloquent and classical friend intended. For, if the state of things which has already commenced, is to go on; if the spirit of hostility which already exists in three of our States, is to catch by contagion and spread amongst the rest, as, from the progress of the human passions and the unavoidable conflict of interests, it will too surely do,—what are we to expect? Civil wars, arising from far inferior causes, have desolated some of the fairest provinces of the earth. History is full of the afflicting narratives of such wars; and it will continue to be her mournful office to record them, till 'time shall be no longer.' It is a momentous decision which this Court is called on to make. Here are three States almost on the eve of war. It is the high province of this Court to interpose its benign and mediatorial influence. The framers of our admirable Constitution would have deserved the wreath of immortality which they have acquired, had they done nothing else than to establish this guardian tribunal to harmonize the jarring elements in our system. But, sir, if you do not interpose your friendly hand, and extirpate the seeds of anarchy which New York has sown, you *will* have civil war. The war of legislation which has already commenced, will, according to its usual course, become a law of blows. Your country will be shaken with civil strife. Your republican institutions will perish in the conflict. Your constitution will fall. The last hope of nations will be gone. And what will be the effect upon the rest of the world? Look abroad at the scenes now passing upon our globe, and judge of that effect. The friends of free government throughout the earth, who have been heretofore animated by our example, and have cheerfully cast their glance to it, as to their polar star to guide them through the stormy seas of revolution, will witness our fall with dismay and

despair. The arm that is everywhere lifted in the cause of liberty, will drop unnerved by the warrior's side. Despotism will have its day of triumph, and will accomplish the purpose at which it too certainly aims. It will cover the earth with the mantle of mourning. Then, sir, when New York shall look upon this scene of ruin, if she have the generous feelings which I believe her to have, it will not be with her head aloft, in the pride of conscious triumph, 'her rapt soul sitting in her eyes.' No, sir, no! Dejected with shame and confusion, drooping under the weight of her sorrow, with a voice suffocated with despair, well may she exclaim,—

'——————— quis jam locus ———————
Quæ regio in terris nostri, non plena laboris?'"

This year was distinguished by two events which greatly engrossed the public attention. The one was the pendency of the presidential election. The other was the visit of the Marquis de La Fayette to the United States.

The election exhibited a state of things somewhat anomalous in the political affairs of the country. There were no less than five candidates before the people, for the Chief Magistracy:—Mr. Adams, the Secretary of State,—Mr. Crawford, the Secretary of the Treasury,—Mr. Calhoun, the Secretary of War,—Mr. Clay, the Speaker of the House,—and General Jackson. This unusual number of competitors for the honours of the presidency, furnishes a striking evidence of the absence of that party spirit which had before that era, and has generally since, marshalled the whole country into two opposing ranks, and given to each an organization and discipline sufficiently potent to forbid their severance into smaller divisions. We may discern in it, the influence of that conciliatory temper which prevailed throughout the presidency of Mr. Monroe, to which we have heretofore alluded, and which had done so much to break up the old array of parties, and to bring the great body of the nation into a harmonious adoption and support of the measures of the administration. Those measures had received the sanction of Mr. Madison and his friends in the last years of the preceding administration. They were established in a spirit of conciliation and compromise. They were confessedly dictated and sustained by the purest patriotism. They had won to their support almost all the moderate and judicious men who had formerly been in opposition to the predominant party of the day. It was a new era—an era of

harmony and patriotic concert of good men to promote the prosperity of the country, by tranquillizing it, and giving the fullest scope to the developement of every element of prosperity. This was the palmy season of the success of the democratic party;—a party then tempered by kindly feelings, moderated by its triumph, and enlightened by its long collision with an astute, vigilant and intelligent adversary. It had now secured to itself, by this adjustment of the differences arising out of the old conflict of opinions, and by its liberal policy, a strength and stability which, it was hoped, would disarm all future opposition and permanently establish its ascendency with the concurrence and support of the temperate and thoughtful citizens of every section of the country. In the confidence of the predominance which it had thus acquired, it was governed, in the choice of a successor to Mr. Monroe, almost exclusively by personal or sectional predilections, manifestly uninfluenced by such considerations as, in other circumstances, might have demanded a union upon any one candidate. At least, four of the five who were presented to the public, were amongst the most distinguished and authentic supporters of Mr. Madison and Mr. Monroe's administrations; three of them, we have seen, were then actually members of Mr. Monroe's cabinet; and Mr. Clay, the Speaker of the House of Representatives, was quite as prominent as either of them, as a champion in the same ranks—perhaps, without disparagement we may say, more prominent than either. These were all leaders of unquestioned repute and authority in the great democratic party of the Union. General Jackson, the fifth of the candidates, occupied a somewhat different position: not one strictly antagonistic to the others—but neutral, rather, in the contest. He had not been a very cordial supporter of Mr. Madison: on the contrary, was opposed to his second election. He was known, also, to be strongly in favour of restoring certain portions of the old federal party to a share in the administration of public affairs;—restoring them as federalists by name, and sharing the power and patronage of the Government with them. He had publicly advised Mr. Monroe to adopt this course, immediately after the election: and although Mr. Monroe did not take the advice, the General did not change his opinion upon that point, but subsequently, when he himself came to the head of affairs, practised upon these counsels, and, for the first

time since the year 1800, brought into the cabinet some of the most prominent opponents to the old democratic party.

During the pendency of this contest, Mr. Monroe observed a most scrupulous resolve against all interference with the freest expression of the public sentiment in regard to the candidates. In this he was fully seconded and sustained by his cabinet — by none more than by those whose names were in the lists for suffrage. For, at that time, it was not considered decorous in the Executive to make itself a partisan in a presidential or any other election. Indeed, there was a most wholesome fastidiousness exhibited on this point, which would have interpreted the attempt of a cabinet officer, or any other functionary of the Government, to influence the popular vote, by speech, by writing, by favour, fear or affection, as a great political misdemeanour worthy of sharpest rebuke. These were opinions of that day, derived from an elder age. They are obsolete opinions now. The first of the following letters will give us an agreeable commentary on this text. It has a reference to a fourth of July dinner, which certain political managers had sought to pervert to the purpose of partisan advancement;—another point in which the ethics of that day somewhat differ from the present. The other letters treat of more private subjects:

TO JUDGE CARR.

WASHINGTON, August 27, 1824.

MY DEAR FRIEND:

Your letters are such cordials to me that I am determined to deserve them more frequently, if anything that I can scribble will give me such a title.

I am really much obliged to the Washington Gazette. I would not give the letter which it provoked you to write, for all the addresses our noble General La Fayette will receive from Boston to York. One drop of private friendship such as yours, is of more value, in my estimation, than an ocean of public honours. It perfumes my heart and spirits, and purifies, cheers and invigorates me like unto a plunge into the Chesapeake. If you ever felt the abstergent, bracing, exhilarating touch of a sea-bath after a hot day, you will feel the force of this "*similitudinar*," — if I may borrow a word from a Methodist preacher, in Madison county, of about the year one thousand seven hundred and ninety-three.

* * * * * * *

With regard to the presidential contest, I am of the opinion that

have nothing to do with it; — and I will tell you why. In the first place, I think that, according to the genius of our Government, the President owes it to his country to abstain from the exercise of the slightest influence in the choice of his successor. Even the intimation of his opinion upon the subject, considering the factitious weight which he derives from his office, would, in my opinion, be a departure from principle, as having a tendency to lead to a result subversive of the whole fabric of our republican institutions, — the enabling a President to appoint his successor. And in my opinion it is not enough that the President observe the most sacred silence upon this subject; but all who hold the relation to him which I do, and who might therefore be suspected of merely echoing his sentiments, are equally bound to observe it. This consideration would alone be sufficient to induce me to observe the most guarded silence. In the next place, those who are called members of the administration (the Heads of Departments and the Attorney-General) are, in truth, limbs of the Executive branch of the Government; and the principle of the most impartial neutrality, in such an election, presses with equal force upon the whole Executive. In the third place, any man who holds the office which I do, derives from it an artificial weight, a length of lever and a fulcrum, that would be very unequally exerted against the individual influence, man for man, on which such an election ought to depend. And as I have cautiously forborne to make the Attorney-General a partisan in this election, by any personal appearance in the canvass, either on the one side or on the other, so I am determined that nobody else shall entrap me into a partisan feast, or any other situation which might be considered as taking a side either with the one candidate or the other.

It was another objection to appearing at the dinner, that, from being a national festival, it was attempted, by a trick, to be converted, and was, in fact, practically converted into a party festival.

Even to you, the unshaken friend of my youth, of my manhood, and of my old age, I think it improper to express any opinion, either by word or act, as to the person who is most fit to be our President: and what, for conscience sake, I would not say even to you, I shall not say to others; nor shall I do anything which I know the blind or interested zeal of party would not fail to seize and interpret as an avowal of preference.

As for the —— paper, I don't know whether it is much to the credit of my moral sensibility to make the confession, but that publication did not touch me. So far from "raising or piercing," it did not even brush me with its wind. The fact is that every man, in a high public situation, must become fire-proof and bullet-proof, in his own defence. I had seen so many other men, of the purest and most exalted virtue, from the President down, vilified and abused so unmercifully, so scandalously, so basely in that paper, even to the impeachment of their veracity and pecuniary honesty, that I considered

myself as being let off very lightly from such a sink of iniquity and defilement. Then, as to political honours; it may be the evidence of a poor spirit, but I have not a nerve in my system that responds to their call — and it seems to me to be actually a species of *mania* to see men bartering their hopes of an independent and peaceful old age, for the temporary possession of such a bauble as the presidency of the United States. If a man had first secured the *otium*, I should have no objection to the *dignitate*; — but a feast for eight years, and a famine for the residue of life, is not at all to my taste. But let this pass:—*quiescat*—and peace be with it, say I.

* * * * * *

Among the things that have been fluttering in my brain, like Plato's souls before they have joined their bodies, is a historical novel, *flagrante bello*, of the revolution, and about the period of the successive invasions of Virginia by Phillips, Arnold, and Cornwallis. The field is rich, and wants only mowers. I shall never have time. You would make a figure at it; so would H. T.; so would P.; so would W. How would it gladden me to sit in a council with you four, and plan a series of such works! I have the old files of the Williamsburg papers, which shall be yours, if you will promise me to try your hand. They are full of the minutest details, and would fire you with a thousand "thick-coming fancies," if you were to read them. It would be a delightful summer occupation to you; and you have a pen that would throw it off so lightly and joyously that your hours would fly "on angel's wings." What say you? "Would not become the gravity of a Judge." Could a judge be better employed than in giving new sanctity, beauty, and attraction to the lessons of the revolutionary war? in cherishing and feeding the flame of patriotism, depicting the manners and characters of that age, and cultivating the graces and virtues of life? *Quid dicis?* or rather, "*quid agis,*" as our grave and learned friend Cordery says, that you should not undertake it?

I wish I could have met you at the Springs, or that I could meet you anywhere; but *non omnia possumus omnes*, as Partridge says. You see I am in the humour for elegant quotation, like our friend Sancho. Miss B. said something of your coming through Washington, this fall, with your family, on the way to Richmond, and of your staying some days here; but I shall be in Baltimore. Let me know your time, however, and it will go hard but I find a few days to come down and see you: *aut inveniam, aut faciam*, as somebody says, — who? Alexander, I believe, when he was going to cut the gordian knot: or if it was not *him*, or *he*, it was somebody else, as the coroner's inquest, to the North, seemed disposed to say the other day. Did you see that solemn piece of nonsense? They sat over a dead body, "and reported it, *as their opinion*, that the deceased came to his *death, by some cause unknown.*"

Did you ever see the like of the reception given to La Fayette at the North? There is, no doubt, a good deal of ostentation in it; and yet there is so much feeling, that reading it made me weep like a child. By-the-bye, I wish he would agree to let us call him *the Marquis*. We shall hardly know him, in Virginia, by any other name. He became endeared to us under the name of *the Marquis*: there is *the Marquis' road*, too, through Louisa, and *the Marquis' bridge*, &c., and all our old newspapers of the revolution, constantly call him "the Marquis" only, without any other addition. "General La Fayette" is a new body, of whom we know nothing. I shall be very apt to say all this to him, if I get a chance; let him think what he will of my republicanism. *Quid dicis*, on this important subject?

* * * * * * *

You have the united love and prayers of all that sit beneath the shade of my vine and fig-tree. May joy and happiness, pure and permanent, attend you and yours under every change, and in all times, places, and circumstances.

It is eight-and-twenty years since I first knew you, and, from that time to this, I have known but little difference between your happiness and mine. And so it will continue to be while we are here together, in this state of things.

May God Almighty bless you, your dear wife and children, in time and in eternity! My wife says, "Amen."

Your friend,

WM. WIRT.

TO JUDGE CARR.

WASHINGTON, September 9, 1824.

MY DEAR FRIEND:

This is as it should be — our correspondence, so long stagnant, is beginning to flow again, as refreshing as the rock-spring after a hot midsummer's day walk over the red hills of Pen Park. Yes, I know what that business of filing away and re-perusing old letters is. It is one of the purest, tenderest, holiest banquets the heart of man can know, when the correspondence has flowed from a friendship like ours. I have preserved every scrip of a pen I ever received from you. They are amongst my most valued treasures. They are medicine to the soul, and the enjoyment of them in the re-perusal is amongst the strongest proofs that the soul has not been polluted by any intermediate guilt. If either of us had turned scoundrel in our journey through life, I cannot imagine a hell upon earth more agonizing than those letters would create. They would be nests of adders let loose into the bosom; the memorials of lost innocence and honour, and shipwrecked hopes and fame. As it is — thanks to the Almighty preserver and director! — they are sources of the purest solace and

self-felicitation. No, my dear friend, it seems to me impossible that even a passing cloud should ever have thrown the shade of a moment over our friendship. If with all my faults you have so long loved me, you can never love me less; for I am determined that, if between this and the grave, there is any change in me, it shall not be for the worse. As for you, it has been your *misfortune* to have no fault. For, as it is indispensable to the preservation of the general equipoise of nature's laws, that, between us, we should have as many imperfections as fall to the average of any other two of her creation, it has been my lot to possess the *faults*, and yours to be obliged to endure them; which, I will do you the justice to say, you have done "with the most Christian resignation"—always making the most of any little good quality that I might possess, and winking most excessively hard when my defects revolved into view. Don't suppose that I have been so vain and blind to myself as not to have seen this all along, through the whole of our pilgrimage, and not to have felt the elevated and noble generosity of your friendship as I ought to have done.

But a truce with confessions. Yes, we have had a most vagarious correspondence. I have kept Peachey's letters, too; and they have made me laugh by the hour. Our correspondence will do very well for our own perusal, but it would not make quite such a figure in print as Addison's, Pope's, Swift's, Arbuthnot's, Parnell's, &c.; though it is scarcely so bad as some of Swift's minor effusions. Do you think our children will enjoy it? They cannot enter into the scenes, and understand the allusions and cant and slang sayings, as we can do; yet they may still see enough to shake their sides. A more grave, stately, guarded, decorous and elaborate correspondence might, perhaps, have represented us to them as higher characters; but it would not have had so much of the raciness of nature, or shown us so truly as we are. And though we have not been always quite as dignified as we might have been, yet of one thing I am certain, and that is, there is nothing in the strain of sentiment which as men of honour and morality we can wish unsaid, or which our ghosts will have to blush for as they hover over the child that is reading us.

By the aid of the context I have made out the Latin quotation you give me from one of my letters; though, I suspect, it would have puzzled Swift. The last words of the quotation remind me of a Latin version of one of Kinney's songs. Do you remember it? "Non amo breve opus," &c. I recall distinctly the time and occasion of making it. You, Jack Quarles, and myself, were riding one morning from Nic Meriwether's to Louisa court, which we then attended. I remember poor Jack was most obstreperously diverted. As for you—you sometimes broke into a laugh, in spite of yourself, and then gave whip to your horse and "consumed it" and "confounded it," and rode off in great disgust, out of hearing, whilst I was gravely at work to make

out my Latin version, and bring it within the compass of the tune, which I had sometimes to stretch by the repetition of the same note half a dozen times, to bring in my metre. Oh! those days! Poor Jack Quarles and poor Kinney! What excellent, joyous fellows! Where are they now?

Have we, ourselves, think you, made the best of life? Could we not have done better? I sometimes think that if I had, from my youth, been prudent, circumspect, studious, industrious, economical, and steadily and perseveringly ambitious in my profession, I might have risen much earlier and much higher. I might, perhaps, have been now rich, distinguished, and in a condition to dispute the palm of politics with the best of those who are at this time figuring on the great stage. For when I ask, "What have I done for myself?"—I am obliged to answer, "Nothing." I am not conscious of having made a single effort to place myself even where I am. On the contrary, I have been an idle, thoughtless dog; as heedless and reckless as any monkey that ever swung by the tail; quite as much a man of whim, impulse and pleasure, as if I had been born a prince of endless revenues, and had had nothing to do but to devise the most agreeable modes of killing time. I verily believe that William Pitt Hunt laid a charm upon me, when I went to school to his father. He was, you know, (for I believe you knew him,) very grave, dignified, solemn and pious. He was a man of five-and-twenty, had graduated at Princeton, and was a professor at Hampden Sidney. On a visit from Virginia, to his father, while I was there at school and a boy about fourteen, but reading Homer and Cicero, (which in Hunt's estimation imposed upon me the necessity of being a man in manners,) he was excessively scandalized at seeing me in a high romp with some boys, about my own age, but who happened to be just beginning to learn the languages. "Fie!" said he to me, "You will not be a man till you are fifty years of age." And if I have not fulfilled the prophecy in the sense in which he meant it, it must be confessed that I have run it pretty hard. "But grieving 's a folly," as Ophelia says or sings, in the travesty of Hamlet. A man can neither change his destiny nor his nature. They say "there is no making a whistle out of a pig's tail, nor a philosopher out of a jack-pudding." I have had my laugh and song and dance through life — and I believe that no other course could have made me so happy, nor perhaps even so distinguished. At least, it is more comfortable and more wise to rest in this belief, than to be tormenting myself with the imagination of what I might have been if I had acted as it was not in my nature to act. Besides, I have done, or rather Providence has done, so much better with me than I deserved by any prudence of my own, that it would be ungrateful to complain, and impudent to think hard of my fate. If my life can only be prolonged a few years more, and I can leave my wife and children with their china above water when I am

mmoned from this scene, I shall go content. But I am in no hurry go I shall certainly not abridge my own time here; being as ow one is not so exactly certain of one's berth in the next voyage. ut thereafter as it may be.

No, indeed! I had no idea of your keeping anything from your ife. I can tell you that if you do, there is not fair play between ; for I kee, nothing from mine. She reads your letters as of right, -and oftene before than after me. This, for example, she read first. could hear her muttering to herself, "I wish he would write a ainer hand," which proves that you have not given her much ex- rience in this way. She reads mine without difficulty, and I take that a stranger would find some much tougher problems to solve in y hand than in yours. For my part, I think your hand unexcep- nable. It is, to be sure, a rolling, galloping kind of hand; but it ems to me to suit the gait of your thoughts much better than any her. So stick to it.

Your counsel is sound and excellent, and I shall follow it so far rth as future circumstances shall permit. But I wish we could be arer to each other. In this I must complain of my fate. If I could ve lived alongside of you all the days of my life, I should have en happier, and, I am persuaded, should have made a better figure th in law and literature. * * * I do not know that could have been of much service to you, for your character is natu- lly strong, independent and self-balanced. You require no external imulus to exertion, and no solace under momentary failure. You ve a full supply of both in your own energy. While I, to my shame it spoken, often find myself in need of both; and the man does t exist who can minister them to me so successfully as yourself. I nfess that I deserve to be whipped for this weakness, and I have ten been angry enough with myself to inflict the penance as un- rcifully as Lord Lyttelton's mysterious huntsman; for no man spises this weakness either in himself or others more than I do. ut I believe it is constitutional.

I have often witnessed so much blindness in the world around me to hear myself lauded and even envied for speeches, which were ally so mediocre, as almost to dispose me to renounce my profession. he truth is, I am always comparing what I do with what I feel I am pable of doing,—not competing with the *aliquid vastum et immensum* Cicero, nor with the ideal perfection of Doctor Johnson, but simply th what I know and feel I am capable of doing on the occasion, d what I have done on others. Then, when I fall short, as I have one to blame but myself, I let loose, as John Key used to say, like forty thousand." Yet, at last, there is a good deal of Madame talini's *felicia tempora* in this business. One must be in time, d this depends on the state of the nerves, and this again on external cidents which are beyond our control. This, however, is, in a great

degree, self-flattery; for, in truth, my failures much oftener proceed from the natural indolence of my character and the consequent deficiency of preparation than from any other cause. I am excessively lazy. My mind will not go up hill with a heavy load at its tail, without a great deal of coaxing and whipping. Hence, my preparations are too often slubbered over any how, and want that fulness, clearness, compactness and cogency which they would have possessed if I had bent myself to the task *con amore*.

It is death to me to see a man taking up a train of thought where my lazy mind had dropped it, and pushing the investigation into regions which were *terra incognita* to me only because I had not chosen to take the trouble to explore them, and making those luminous and strong distinctions in the regions of polar night, which proved that he was at home, every inch of the way. Then I say to myself, "You are a pretty fellow! You pretend to talents! Go hide yourself in dust and ashes!" * * And to know and feel, too, all the while, that not a single idea had been presented that was not perfectly within my own reach, if I had condescended only to reach forth my hand! This is what I call delightful! * * Pray, have you ever had anything of this sweet experience? If you have not, then, as the saying is, you have great pleasures in store. There is a vast difference between men in this particular of which I am speaking. There was Pinkney, who was certainly a great advocate. He was never heard to complain of a failure. He has made some speeches which would have half killed me. On a great occasion in Annapolis I heard him speak for three days. Of the first day, two or three hours were in his best manner; the rest of that day, and the whole of the following two, were filled up with interminable prolixity of petty commentary upon one or two hundred cases. The Court, bar and every one were tired to death. He went home and told —— that he had made the greatest speech he had ever made in his life. It is possible this might have been policy, but I rather incline to think that he was not conscious of his failures. * * It was perhaps propitious to his fame that he had none of this tenderness of sensibility, either to impair his confidence in himself when about to speak, or to unnerve him with despondency, on a failure. The truth is, that, as an advocate, he had the nerves of the Nemæan lion; and his action was not unlike that of the king of the forest. The speech you heard him make in Congress was in a manner so comparatively subdued that it bore no resemblance to his forensic manner.

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Have you ever read Cuvier's theory of the earth? If you have not, I beseech you to get it and read it. Here is a book which has been before the American world eight or ten years, full of the most interesting and instructive facts and speculations, and yet, until within

a fortnight past, have I known nothing of it, save only the name. This same geology, with all its discoveries of the past history of our planet, is a prodigious science, and very nearly as honourable to the sagacity of man, in my opinion, as astronomy itself. Only to think,—that this inert mass of earth and stones, over which the human family have been walking with thoughtless indifference for five thousand years, should contain within itself the clearest historical monuments, both of the correctness of the Mosaic account and of divers revolutions, long, long antecedent to that account; of races of animals extinct long before the existing order of things arose; and of a change of climates upon the face of the globe as great as could have been effected by the stroke of a passing comet changing the poles of the earth, if indeed it was not, in fact, brought about by this cause. It has become quite a new world to me within this fortnight, and the Mosaic world so much a thing of yesterday, compared with its antecedent duration, that I feel as if I could shake hands with Cicero and Demosthenes across a table. They become my contemporaries and companions. If you have not time to read Cuvier, procure the number of Silliman's Journal of Science for May, 1824, and read, at least, the Review of Buckland's *Reliquæ Diluvianæ*. What do you think of that sagacity which, on the inspection of the smallest piece of bone that has been lying, perhaps, twenty thousand years in the earth, can tell you, *with demonstrable certainty*, to what kind of animal it belonged? And yet, this is one of the triumphs of human sagacity exerted upon the subject of comparative anatomy. Perhaps you think I might be better employed? But you know that Cicero was of a different opinion; besides, I cannot bear to breathe no other air than that of the dungeon of the law. Blackstone, I know, calls it a palace full of light and architectural symmetry and grace; and yet it is, at best, such a crepuscular labyrinth, that the greatest lawyers and judges are continually butting their heads against each other, and disputing about the passages, the rooms, and the way in and out; such is its proverbial "glorious uncertainty." It is, I confess, a fine arena for intellectual gladiators: yet a man would not choose to be confined all the days and nights of his life to the single business of pushing, thrusting and warding. He requires some recreation: and the kind of recreation for which I am disposed may be made, itself, subsidiary to his excellence in his peculiar art. It enlarges, invigorates and polishes the mind, and furnishes it with new stores of illustration and ornament. And I see not why both the judge and the practising lawyer may not make such excursions to advantage.

You conjure me not to tempt you from your legal studies. I stand more in need of legal armour than you do,—for I have giants to war with, while you are merely one of the judges of the combat. Nevertheless, I approve your resolution, if you will qualify it with a determination to read *just* so much as is necessary to keep up with the

march of science and literature, — not to *master* the sciences, but to know what is doing and what has been discovered in the scientific world. With this modification, I laud your resolution, and pray you to adhere to it. The bench is too often the tomb of emulation. Do you, my dear friend, push on. Become the Pendleton of Virginia, as you certainly may. Or rather, become the Kent of the United States; for Kent has more law learning than most of the judges in the United States put together. I wish you to make yourself an accomplished civilian. I do not mean a superficial one,—but a learned and profound jurist. I believe Mansfield owed more of the boundless horizon and refulgence of his mind to the civil law, than to all his other studies besides.

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Would that I could be with you at York.* You will have Pope there, with brimful eyes, and in all the glory of his soul, ready to exclaim,—"Now, Lord, let thy servant depart in peace."

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I must stop. So, with our love to your wife and children,

Your friend,

WM. WIRT.

We have in the next, some memorials of the visit of the Marquis at this time.

TO RICHARD MORRIS.

BALTIMORE, October 22, 1824.

I thank you, my dear Morris, for your letter of the 6th, which I received in due time, although it has not been until now that I have had it in my power to acknowledge it.

* * * * * *

I am extremely gratified at the spirit of friendship which your letter breathes. My removal to Washington has made no change in my affections. Wickham has an uncourtly saying, that "old dogs do not learn new tricks." However this may be, I am very sure the old men are not prone to form new attachments — and that they cherish their former ones with increasing zest.

I have no love for political life. Were I alone in the world, and had no one to think of or care for but William Wirt, I should go back to Virginia and my old friends at the close of this administra-

* La Fayette was to be at Yorktown on the 19th of October, — the anniversary of the surrender. Great preparations were making to give interest to this celebration.

tion; — but with a wife and ten children, and a fortune yet to make, I am obliged to say, with old Teucer,

"Quo nos cumque feret melior fortuna,
Ibimus"—

And I wish I could add, substituting my own name for that of Teucer,—

"Nil desperandum, Teucro duce, et auspice Teucro."

If, indeed, I could ensure the same health that I have had this year, for the next eight, I should be pretty much at ease. But—"are we not here, to-day," quoth Trim, "and gone to-morrow?" The mention of Trim reminds me of our friend Pope. I take it for granted that he went to York, to meet the Marquis—and that he came forth in all the glory of revolutionary song and anecdote. I have no doubt that the Marquis would enjoy him, — for the old General is quite as full of the revolution as ever our friend Pope was. By-the-bye, he himself told a camp anecdote of the revolution, one morning at the President's breakfast table, of such *goût*, that I think Pope ought to have it in his budget.

Hay asked him whether Lord Stirling was really a nobleman by birth, or only a Lord by courtesy. The Marquis said he did not know how that was—but that there never was a Lord who was prouder of his title;—that no one could say "Lord" or "Lordship," in his hearing, but he thought that he was the person spoken to or spoken of. In proof of which he stated that one of Stirling's soldiers was sentenced to be shot, for some offence, and as the poor devil was going to the place of execution, with his arms manacled behind him, he raised his eyes to Heaven, and, in the agony of his despair, exclaimed, "Lord! have mercy on me!" Says Stirling, with all the importance of Jupiter "with both cheeks puff'd up with rage,"—"I'll be damned if I do,"—imagining that he, alone, could be the object of the ejaculation. It was extremely well told, and produced a high effect. Do tell it to Pope.

God bless you, my dear Morris—and give my love to your wife.

Your friend,

WM. WIRT.

The following letter will awaken some pleasant reminiscences in Richmond.

TO WILLIAM POPE.

BALTIMORE, November 12, 1824.

I thank you, my dear friend, for your very amusing account of the La Fayette jubilee at Goochland court-house—not forgetting the procession in which the Ghost of Fame made so conspicuous a figure.

* * * * * *

You had indeed a great day. It was a day of days for old Goochland, and will be remembered with delight by every one who was there—save only, perhaps, the unfortunate wight who toasted Bonaparte.

Poor Fleming Paine, and poor dear Quarles—would that they could have been present! And if, with them, you could have had Peter Carr and Bullock—what a day it would have been! Death has made sad work in the little circle of our favourites. He has taken from us those whose places can never be filled—for, to go no further, where shall we find two such men as Peter Carr and Jack Quarles? Where merriment was the word, it was hard to match them. So full, too, of the noblest intelligence and the finest feeling! Their death has sadly marred the music of our society. They are strings snapped which can never be replaced; and never again can the instrument have the compass of execution which it once had. Heaven's will be done! Those of us, too, who remain, are so scattered, that we can scarcely ever again hope to come together. But I think we must try it next summer. My friend of friends, Dabney Carr, is now at Richmond, and if we all live 'till next summer, and no accident happens to prevent it, we will have a meeting in Richmond. Let me see how we shall manage it. I will give you notice when I will be on:—I will, also, give notice to Sam. Carr in Albemarle—and to Morris. We will dine one day at Coalter's—one day at Cabell's—one day at Carr's—and one at Bullock's. And there we shall be able to assemble all the survivors of our once large and joyous circle. I will write out, too, to Alexander Stuart to come and meet us. "Bold Alick" would willingly take a short ride of fifteen hundred or two thousand miles for such a frolic. I remember that we once made an arrangement of this sort to meet at your house, and it failed. But this, I think, will be more practicable,—because there are so many already at Richmond, on the spot;—so that if you and I only should go, we should be able to rally a delightful little party in Richmond, with the three resident judges of the place and Bullock, and Pleasants the Governor, and Barbour, &c. You will observe, however, that I shall not be at liberty till about the middle of July—my courts being in constant session till then. However, you shall have notice of the particular time when it comes.

But to return to the La Fayette dinner at Goochland. That was a fine scene between Captain Johnson and the Marquis—and between this latter and the old seventy-sixer who amused him with a war-song.

By-the-bye, I suspect you had no chance to sing *your* war-song. This is what I expected from what I saw of the dinner in Washington. Singing is the enjoyment of relaxed hours. In these dinners there is too much state and too much of high-toned feeling, to make the light amusement of a song endurable. However, the Marquis *will* leave such a train of revolutionary feelings and reminiscences

behind him, that your song will be in high *goût* throughout this winter campaign. I hope to have a little taste of it next summer myself.

* * * * * * *

I am sorry that you did not see Calhoun. He is a most captivating man. If the Virginians knew him as well as I do, he would be as popular in Virginia as he is in South Carolina. His is the very character to strike a Virginian; — ardent, generous, high-minded, brave, with a genius full of fire, energy, and light; — a devoted patriot — proud of his country, and prizing her glory above his life. I would turn him loose to make his way in Virginia against any other man in the United States—the Ex-Presidents excepted. He wants only what age will give him, to assure to him, I think, the universal confidence of the nation. He is, at present, a little too sanguine, a little too rapid and tenacious; but he is full of the kindest feelings and the most correct principles, and another presidential term will, I think, mellow him for any service of his country.

I suppose you will have seen, before this reaches you, that General Jackson has taken seven votes out of eleven in the State of Maryland — Adams having three and Crawford one. The calculation here is that General Jackson will take Ohio and probably the whole of the Western States — who, finding that Clay is not likely to be elected, will not be disposed to throw away their votes upon him, but will take their next choice, which is Jackson. North Carolina is counted upon for him with confidence, and the rumour from New York is, that though the electors will be chosen for Crawford, yet it will be with a permission to give their votes to Jackson, if Crawford's case throughout the Union shall be thought desperate. I am telling you the calculations of those around me, and not my own, for I have made none: my calculations extend no further than the Jew's in "The Road to Ruin," that is, "to provide for my family," which seems to me to be the only purpose now for which I have to live.

I hope and believe that you will be fully gratified by the provision which Congress will make for the Marquis. I trust with great confidence that, as he devoted the morning of his life to us, we shall gild the evening of it with peace and plenty. Such, I am sure, is the feeling of the Executive, and I have no doubt it will be that of Congress.

I wish Morris may fulfil his resoluion of becoming one of my regular correspondents; — but he is a man of genius, and therefore, privileged both to be lazy and faithless to his good resolves. It will give me great pleasure if he falsifies this apprehension.

I am here busy in attendance on court, and have only a few moments at night to gallop off this letter to you. Pray excuse it; and give my love to dear L——, whom may God bless with his choicest blessings—and may God bless you, too, my dear friend!

Yours, truly,

WM. WIRT

Mr. Wirt's friend and protegé, Gilmer, had gone this year to England, on a tour for the benefit of his health, which had become greatly impaired. In the correspondence between them at this period, I find a letter from Stratford upon Avon, which may interest my reader with the picture it affords of the Shakspeare house, to which recent events have given so much interest. It may be noted as one of the characteristic incidents of our times, that this house has lately been purchased by a society in England, of the admirers of the great bard, under a strange and rather amusing apprehension that it was about to become the subject of a Yankee speculation, the drift of which was to bring it off bodily to the United States:

FRANCIS W. GILMER TO WILLIAM WIRT.

July 16, 1824.

My Dear Mr. Wirt:

I write you my first letter from England, not from Warwick Castle or Guy's Cliff,—which are both near at hand—nor from Stratford generally, but from the identical room in which the immortal bard first came "into this breathing world." Here day first dawned upon his infant eyes—a miserable hovel. Imagine in that hovel a small room, with a low roof; but one window,—that looking to the setting sun; a fire-place advanced into the room, by the naked chimney coming through the floor. The house is neither wood nor brick, but a wooden frame with the intervals filled up with brick. The wooden beams are shrunk and warped by weather and time. On the lower floor is a butcher's stall. No where is there a single vestige of Shakspeare. His chair is gone. His mulberry tree, which was in the garden, is attached to another house; it is reduced to the last fibre. Except his will, and the walls and beams of this lowly mansion, I know of no object in existence which he touched. Here the wise and the great repair to worship him. In the register before me is the name of Sir Walter Scott among others less illustrious. The walls were once scribbled over by men of genius and fame—Fox, Pitt, and others,—but a mischievous tenant lately whitewashed them, and you see only what have been recently written.

His body lies near the altar in the church, and neither name, nor date, nor arms appear upon the stone;—conclusive circumstances, I think, to show that he wrote the epitaph which is sculptured upon the stone. This has been doubted. What but the modesty of his own great mind could limit the epitaph of Shakspeare to the expression of the simple wish that his bones might rest undisturbed in their last repository. We have seen the lines in Johnson's life of him, but here *is a fac-simile*:

GOOD FREND FOR IESVS SAKE FORBEARE
TO DIGG THE DVST ENCLOASED HEARE
BLESE BE Ye MAN Ye SPARES THESE STONES
AND CVRST BE HE Ye MOVES MY BONES.

I inquired of half a dozen persons in Stratford for the tomb of Shakspeare before I could find it. I should not have been surprised if this had occurred in a search for the tomb of Newton or Milton. But I was amazed at its happening in the case of the Poet of all ages and conditions.

* * * * * *

I begin to be impatient to see Virginia once more. It is more like England than any other part of the United States—slavery *non obstante*. Remove that stain, blacker than the Ethiopian's skin, and annihilate our political schemers, and it would be the fairest realm on which the sun ever shone. I like the elbow-room we have, where the wild deer cross the untrodden grass, and the original forest never heard the echo of the woodman's axe. There is nothing in England so beautiful as the scenery of Albemarle, or the view from Montevideo—the window from which you used to gaze on the deep blue of these silent and boundless mountains. Peace to them!—and a blessing warm, though from afar, on you and all your house!

Yours affectionately,

F. W. GILMER.

TO FRANCIS W. GILMER.

WASHINGTON, December 4, 1824.

MY DEAR FRANCIS:

* * * * * * *

I received your letter from Stratford upon Avon, with the Kenilworth leaf*—and a most interesting letter it was. I sent it to Dabney Carr in Winchester. He has returned it to me. * * I should have acknowledged it by a letter to England, but that I supposed, from your constant locomotion, I might as well have attempted to shoot a humming-bird on the wing.

I hope to see you as you pass,—though it will be more probably in Baltimore than in Washington. I have a cause to argue there, and shall return to Baltimore on Wednesday or Thursday. * * If you should chance to come in the Christmas holidays, you will find me at home here, when we shall be delighted to eat mince-pies and drink champagne with you. Though in both operations I shall be merely a looker-on. I have been a water-drinker, now, for more than

*A leaf of ivy from the tower of Kenilworth, which was enclosed in the letter referred to, accompanying a description of a visit to the Castle.

a year, and am somewhat on a regimen in other respects; by reason whereof I have been continually in better health than I have enjoyed since I was twenty. I require depletion,—you repletion. So, you shall eat mince-pies and drink wine to my bread and water.

* * * * * *

You will find every thing pretty much as you left it amongst your friends. In the political world there are some changes in prospect, a little different, I suppose, from what you anticipated. But this you will learn in New York.

—— As to my succeeding Mr. Rush* — there is not the slightest foundation for the report. Such a thing is not thought of either by the President or myself. I should consider it an act of madness, on my part, to accept of any mission or any office in the gift of the government, other than that which I now hold. And whether I shall retain this depends on contingencies. Though, I have no reason to doubt that it will be in my own choice. * * God bless you, and restore you to health!

Your friend,

WM. WIRT.

The anticipation of enjoyment in the usual festivities of the approaching Christmas, which is indulged in this letter, was sadly disappointed by the tidings which arrived at this time from France, communicating the death of Robert Wirt, the eldest son of the Attorney-General. This youth had been admitted, as we have seen, to the Academy at West Point. The discipline of that school was found too severe for a constitution naturally feeble, and he was withdrawn from it in the second year of his probation there, greatly reduced in health. A sea voyage had been prescribed to him by his physician; and, in the hope of finding that which was already irretrievable, he had embarked on the fifth of August in this year, for Havre. His disease—a pulmonary affection—seems to have taken a fatal direction almost immediately upon his arrival in September. He was unable to prosecute his travels, and died in the city where he had landed, on the 31st of October. He was a youth of fine promise, of a meditative, studious habit, and although but now in his nineteenth year, deeply imbued with a strong religious sentiment, which showed itself in the habitual cast of his manners, and in the grave character of his studies.

This was the first serious affliction which had yet visited the happy

* Mr. Rush was then Minister of the United States in England.

fireside of the subject of our Memoir. It did not find him unprepared or unarmed. Mr. Wirt had long since disciplined his mind to that higher philosophy which is born of the Christian faith and hope, and was not to be shaken even by a calamity so poignant as this. I find a letter written, at this moment, to her whose sorrows had a deeper root than is ever found even in a father's breast, and who stood in sorest need of that manly support which it is the husband's first duty to supply. The most fastidious will see no reason to object to the perusal of the beautiful lesson of Christian resignation, submission, and cheerful patience which breathes in the extract I have ventured to make from this private record of thoughts that welled forth from a fountain of truest feeling.

TO MRS. WIRT.

BALTIMORE, December 27, 1824.

* * * * * * *

"I am here safe and well. * * The image of your pensive face is on my heart and continually before my eyes. May the Father of mercies support you, and pour into your bosom the rich consolations of his grace, and preserve and strengthen you for your family! What can we do, if you suffer yourself to sink under the sorrow that afflicts you? Let us bear up and endeavour to fulfil our duty to our surviving children. Let us not overcast the morning of their lives with unavailing gloom, by exhibiting to them, continually, the picture of despair. Trouble comes soon enough, whatever we do to avert it, and the sombre side of life will early enough show itself to them, without any haste on our part to draw aside the curtain. Let them be innocently gay and happy as long as they can; and let us rather promote than dissipate the pleasing illusions of hope and fancy. Let us endeavour to show religion to them in a cheering light; the hopes and promises it sets before us; the patience and resignation which it inspires under affliction; the peace and serenity which it spreads around us; the joyful assurances with which it gilds even the night of death.

"These are realities by which, while we inculcate them on others, we may profit ourselves. They are not fallacies to cheat children, but realities which ought to give strength to our own bosoms. Is not religion a reality? Are not its promises true? Are not its consolations substantial? Why, then, should we not appeal to our Lord in prayer, with confidence in his promises? What though he scourge us, he will not cast us off, if we come to him with humility, and en-

treat him, with earnestness and contrition, to pity and pardon and accept of us. Our Lord himself, when on earth, was a man of sorrows and acquainted with grief, and knows how to pity our distress, and support us by the influences of his holy spirit.

* * * * * *

"May God bless you, and breathe into your bosom peace and cheerful resignation!"

CHAPTER X.

1825.

PRESIDENTIAL ELECTION.—MR. ADAMS ELECTED BY THE HOUSE OF REPRESENTATIVES.—MR. WIRT REMAINS IN THE CABINET.—STATE OF PARTIES.—DEATH OF GENERAL HARPER.—LETTER TO GILMER.—WRITING OUT SPEECHES.—DOMESTIC LIFE.—RELIGIOUS SENTIMENT.—DR. WATTS.—VISIT TO MONTICELLO.—UNIVERSITY OF VIRGINIA.—DINNER TO LA FAYETTE.—DINNER SPEECH.—DUKE OF SAXE WEIMAR.

THE presidential election having failed in the electoral colleges, was transferred to the House of Representatives, and resulted in the choice of Mr. John Quincy Adams. Mr. Wirt had entertained, for some time past, a purpose to retire from the post of Attorney-General; but, in the arrangement of the cabinet, his continuance in office was so strenuously insisted upon, that he did not feel himself at liberty to gratify a wish which had no other motive than his own personal comfort, in relieving himself of the very onerous duties of his station. The administration stood upon the same political basis as that of Mr. Monroe. It was but a continuance of the same party ascendency. It looked to no change of measures, and to no other change of men than became inevitably necessary to supply the vacancies which the accidents of political life had created. Mr. Clay was called to the State Department, which the President himself had held in the last administration. Mr. Crawford was compelled, by ill health, to retire from the Treasury. Mr. Rush was appointed in his place. Mr.

Calhoun was now elected to the Vice-Presidency — the War Department was, therefore, committed to Mr. James Barbour. The appointment of Judge Thompson, in 1823, to the Supreme Court, had brought Mr. Southard, at that time, into the Navy Department, in which post he was now continued. Mr. John McLean, of Ohio, was continued also in the Post-Office, and Mr. Wirt, as we have seen, retained the Attorney-Generalship. These gentlemen had the full confidence of the Democratic party, and, we may say, of the great majority of the nation; and the country still indulged the hope of a prosperous career in the track which had been opened by Mr. Madison, and so successfully pursued by Mr. Monroe. Less confidently, however, it indulged the hope of a continuance of that immunity from party contention and exasperation which had characterized the last eight years. The rising of an opposition was seen, at the very commencement of this administration, like a dark cloud upon the horizon, which gradually spread towards the zenith, not without much rumbling of distant thunder and angry flashes of fire. It was quite obvious to shrewd observers, that the late election had disappointed many eager spirits, whose discontent was likely to make head against the predominant party, and, by uniting the scattered fragments of an opposition which had heretofore only slept, whilst the country had supposed it extinct, would present a very formidable antagonist to the new administration. The extraordinary popularity of General Jackson, the defeat of his friends by the vote of the House of Representatives, the neutrality of his political position, his avowed toleration towards political opponents, and, what was thought to be, his liberal views in regard to prominent political measures — for as yet nothing was developed in his opinions to set him in direct opposition to the policy or principles which governed the administration either of Madison or Monroe — all these considerations gave great strength to the position which he now occupied, and, in the same degree, emboldened the hopes of those who looked to him as the proper person to dispute the next election against the present incumbent. Many of those, who had hoped to see the reign of good feeling and of abstinence from party strife prolonged, will remember with what surprise they saw this gathering of hostile elements, and heard it proclaimed by an authoritative political leader, in the first days of the

new administration, that it should be and ought to be opposed, "even if it were as pure as the angels at the right hand of the throne of God."* Such a declaration was not less ominous of what was to come, than it was startling for its boldness and its novelty in the history of the government. Many men, it is true, had attached themselves to the cause of General Jackson, in the recent election, from considerations of individual preference, who believed him to be as warmly and truly devoted to the support of Mr. Monroe's administration, and the course of measures by which it was characterized, as either of the other candidates; and who voted for him in the belief that his election would contribute, more effectively than that of either of his competitors, to maintain that happy exemption from party spirit which the country had so signally experienced through the two last presidential terms. They looked upon this as the natural result of his commanding popularity, his avowed moderation of opinion, his conciliatory relation to the old federal party, and not less, also, of his reputation for solid judgment and good sound sense.

Those, therefore, who had become the friends of General Jackson on these grounds, in the recent presidential canvass, continued now to be his friends in the contest for the succession; and they maintained their stand for him, at this time,—not from any considerations of hostility to the new President, but merely from the same motives of selection which had at first determined their choice. This class of politicians, constituting a considerable number in the country, repudiated, as became them, that declaration of fierce and premeditated opposition to which we have alluded. They abided the approach of the next contest as an event which was to enable them to indulge a personal preference in the selection of a Chief Magistrate, rather than as an occasion to express a sentiment of reprobation of the policy of the existing President, or censure of the party who sustained him. They considered themselves none the less members of that party, whose principles they had always approved, because they differed with their associates upon the question of the fittest individual to be placed at its head.

The opposition, however, took an organized form—became compact,

* This remark was made by Col. Richard M. Johnson.

eager, intolerant and even vindictive. The serpent egg of discord was hatched. A twenty years' history, since that time, tells how the monster grew, what fields were blighted, what fountains poisoned, what hopes were overthrown, what fears made real. With that history I have nothing to do here. I return to the subject of our Memoirs.

Mr. Wirt had now come to a commanding practice in the Courts of Maryland. The death of Mr. Pinkney had left a space at that bar which was now partially filled by himself. At this date, the bar of Baltimore was deprived of another of its most distinguished members, and the nation of one of its purest and most enlightened patriots,—Robert Goodloe Harper. The death of this excellent man was deeply felt in the community of Baltimore, where he had lived, for many years, actively employed in professional duties, and identified with every scheme of public utility which had been projected to increase the power and prosperity of the State.

The letter from which the following extract is made was written by Mr. Wirt to his daughter on the 16th of January 1825, and refers to this event:

"I have just returned from General Harper's funeral. This letter will probably bring you the first account of his death. He dropped down dead, on Friday morning, (the 14th,) and, it is said by his physicians, died probably before he reached the floor. He has had no recent warning of the probable approach of death. On the contrary, he has been unusually well for some time past. On Thursday, he was well in court, and made one of the best arguments he ever made in his life—an argument three hours long. I met him again, in the afternoon, at a watch-maker's, and he told me that he did not experience the slightest inconvenience from his exertions in speaking in the morning, and that he never felt better. That night he was at a ball, and, I am told, was uncommonly gay and agreeable. On Friday morning he was again well, had eaten his breakfast as usual, and was standing up before the fire, reading a newspaper, when death struck him in the manner I have mentioned. No one was in the room but his son, a fine young man of nineteen, and a little negro boy. It is easy to imagine the shock it must have given to his family."

The withdrawal of one so distinguished from the sphere of practice, left, as in the case of Mr. Pinkney, a void at the bar which Mr. Wirt was destined *to supply, in* some degree, by the enlargement of his

own business. But, as in the former case, a competitor was removed whose great legal skill and various accomplishments had served to exalt the standard of professional excellence in the forum, and thus to demand a more perfect and sustained discipline from those who entered into the friendly and exciting rivalries of intellectual prowess. We shall not find, however, that Mr. Wirt relaxed in any degree, his laborious study or careful preparation for the trials of his vocation. Study and preparation had become the fixed habits of his nature, and, to the last moment of his life, he seems to have been stimulated to his professional efforts by the same eager and ambitious emulation with which he entered upon the contests of his earlier days.

Gilmer had written to him about this time, to ask him to transcribe a speech which he had made on some recent occasion at the bar. This gentleman was then preparing a new edition of his "Sketches of American Orators," and had composed some additional articles for the work, in which he had furnished portraits of some of the most conspicuous gentlemen in Congress, who had not been noticed in the former edition. From considerations of a private nature, I believe, this new edition was never published.

Mr. Wirt's reply to the letter, asking for this contribution, contains some suggestions in regard to the writing out of speeches, which will explain how he himself, at least, comes to be in danger of a short report with posterity upon this point:

TO FRANCIS W. GILMER.

WASHINGTON, April 2, 1825.

You are to understand that I have two objections to writing out my arguments. The first and most operative one is, that I am too lazy. But this I could overcome, if I could persuade myself that the play was worth the candle. That it is not, is the second objection.

The truth is, I am so overworked from September to April, and from the last of April till the middle of July, that I am glad enough to find 'a time for frighted peace to pant, and breathe short-winded accents of new broils.' The interval that comes to enable me to stretch my limbs, and say,—'now, soul, take thine ease,'—is so sweet that I cannot persuade myself to violate it by tasking myself to a new effort, which, perchance, may, after all, do more harm than good.

When Fame is in a good humour she makes merrier work with her trumpet than vestal Truth would do. Is it my business, according to

the law of evidence, to bear testimony against myself? If Pinkney shall have a biographer of genius, he will, by preserving the real echoes of his fame, do more for his immortality than Pinkney could have done for himself if he had preserved his speeches. His fame had a magnitude by refraction, which would have been impaired by the publication of his speeches. I have no doubt that Pinkney himself thought so. Had he not, he would have written out his speeches. He did, I have been told, begin to write out his speech in the great case of the Nereid—but abandoned it. Why? Not through indolence,—for, in every thing that could advance his fame, he was one of the most indefatigable men that ever lived. He abandoned it, doubtless, because he was himself disappointed in the effect when he saw it upon paper. ——The secret, I am persuaded, was that all his experiments convinced him of the difference of effect between a speech written and the same speech delivered. * * * How apt are we to forget this difference in making our estimate of Demosthenes and Cicero! We measure them only by the speeches they have left us, forgetting that the speech itself is scarcely the hundredth part of the power of the orator. Demosthenes himself seems to have thought it no part, since he makes delivery every thing; and, we may suppose, entertained pretty much the same notion of a speech which Pope did of forms of government,—'that which is best administered is best.'

"Nevertheless, if I could produce such speeches as those of Cicero and Demosthenes, I would willingly encounter the trouble! But they either wrote out their speeches *a priori*, or they had more leisure *a posteriori*, than I have. You may rely upon it, they were not engaged as I am in the county court practice of Baltimore. I am convinced they had not as much business as I have even in the Supreme Court—to say nothing of my official business, my practice in the two courts at Baltimore, and in the Court of Appeals and the Chancery at Annapolis, with an occasional practice in Alexandria, &c. &c. If Cicero had had all this, he could not have kept his *exordia* cut and dry, as he is said to have done,—to say nothing of writing out whole orations. By-the-bye, when did they write their orations? I have a notion that Demosthenes, after the example of Pericles, wrote his before-hand, and Cicero generally after. In the case of Milo, we know that he wrote after. Pliny, the younger, says that he himself used to write his own immediately after delivery, while his mind was yet warm with the subject. Did Erskine write his, or were they written for him? By-the-way, they are most excellent,—these speeches of Erskine's. I had occasion to read his defence of Hadfield when I was last in Baltimore. There is a power of discussion in it which greatly raised my opinion of him. Added to this intrinsic power of his speeches, the power of delivery *ut supra*,—he must have been a most puissant *wight*. —— But I am off from your proposition.

"As to writing off speeches, — can this be done, except as Pliny did it, — immediately after delivery? I doubt the practicability of doing it faithfully at any distance of time. It must be done whilst the mind is yet tossing with the storm, and before the waves have lost either their direction or magnitude. I delivered what I thought quite a respectable speech about a month ago, but I was obliged to follow it up immediately with a host of minor subjects, and thus all the impressions of the first were obliterated. I could sit down and write a speech on the same subject and in the same general current of argument—but this is all; and this is not worth while.

"There is sometimes a good deal of unfairness in this business of writing speeches. A man who has exposed himself to a palpable hit in an argument, and has received it, is apt to take care to withdraw the occasion in the speech which he prepares for publication, and thus give his adversary the appearance of having gone out of his way to give him an unprovoked thrust; or he will, in his prepared speech, alter the occurrence in some way so as to diminish the poignancy and felicity of the reply. In the 9th vol. of Wheaton you will see a faint illustration of this. When Emmett introduced his "Quæ regio," in the steamboat case, there was not the slightest allusion to the despondency of Æneas in the original. On the contrary, any one would have supposed, from the manner of the quotation, that Æneas had uttered it on some occasion of triumph. The contrast of the occasion was heard, for the first time, in the reply. But in the printed report you will see that he suggests that contrast. So, that even our good friend Emmett could not resist the temptation into which this business of writing out speeches is sometimes apt to lead us.

"After all, if I can find time and inclination this summer, I will try my hand as you propose — *sed, multum quære de hoc* — not, believe me, with any vain, silly expectation of being 'cited hereafter in disquisitions on the sublime and beautiful'—as you jocularly suggest, but for the gratification of such of my friends as may feel any curiosity about me.

"'Think of becoming rich,—having leisure, and writing!'—To be sure I do. Why should I not? 'A hundred or two years of life'—you think — 'and I might do all this.' Why, sir, how old do you take me to be? I ask but three score and ten of life and health to do it all. As to my being very rich—I have no wish for it. But I must feel that my death would leave my family independent, or I could not write with any heart. If I could secure this point, I know nothing that I should enjoy more than to tell posterity what I have seen and heard — though, possibly, as Voltaire said of Rousseau, my letter might not come to hand."

This brief dissertation upon the writing out of speeches, belongs to an age in literature which is passing away. The present generation

scarcely realize the importance which seems to have been given, in past time, to this preservation of the orations of distinguished speakers. There is no branch of literature which is so surely destined to the back shelves of the library as this. There are very few orations of the forensic character, or even of the parliamentary, which possess sufficient interest to procure them to be incorporated in the literature of a nation. It may sometimes occur, indeed, that their relation to a great historical event, or their subserviency to the illustration of some great code or some attractive part of a code of public law, may give them a foothold sufficiently stable to preserve them as objects of value to posterity. Speeches in the elucidation of art or science,—which thus partake of the character of lectures,—some occasional portraitures of renowned men, some discourses on the policy of governments, may, from the value of the subject and the felicity with which it is treated, be brought into the category of things to be kept, multiplied and delivered to after generations. But such productions of mind derive no value from their having been spoken, and will no further be thought worthy of preservation than as they may prove to be successful exhibitions of the power of good thinking and good writing. They will be appreciated, according to their deserts, as essays or treatises, not as speeches.

A speech written out, if reported in the actual language of the orator, is generally a verbose, redundant and overloaded discourse, glowing, it may be, with impassioned language, abounding in fervid thoughts, scattering flowers of wit and sentiment along its path, warming the imagination with brilliant figures, and charming with happy turns of expression; but it is, at the same time, as every one must feel, the language which has been on the lips of an actor, a thing that has been played; and it is rescued only from the judgment of a severe criticism, by the reflection that it may not fairly be subjected to that ordeal, whilst it is detached from the circumstances of time, place and occasion of its delivery, and the adjuncts of the orator's voice, person and manner. To deal with it otherwise, would be as unfair as to pass judgment against a song without hearing the tune which has given it its chief popularity.

A speech, not written in the words in which it was pronounced, is no speech. It is a discourse upon the same subject, and will stand or

fall upon its merits as a literary composition. No allowance is to be made, in such a case, for the faults or pruriencies, which escape censure, only, when it can be pleaded for them, that they are the inevitable overflow of a mind too vividly at work to restrain the abundance of its current. It will be measured by the standard which is applied to the productions of the closet, and whatsoever is merely oratorical in it will be regarded as an offensive superfluity. We relish a speech, whilst the occasion that has produced it is fresh upon our minds;—still more, if we are well acquainted with the orator and can picture to ourselves his gestures, tones of voice and expression of face. We are captivated by the glowing extravagances, even, of his expression, his quick and appropriate repartee, his detection of the dexterity and craft of his opponent, who had laid an ineffectual snare to entrap him. We see in all this the action of the play, and as long as we find an interest in the contemplation of these conditions and environments—to use a phrase which has recently come in vogue—of the speech and the orator, we take pleasure in it as a speech. But when these topics of interest fade away from it;—when the occasion is forgotten; the man no longer remembered, when the public has ceased to talk of it, and years have intervened,—how few speeches retain their raciness! In general, nothing is more dull, as matter for continuous reading, than a volume of orations. They are but monuments of labour, which, for the most part, serve no better purpose than to transmit a well engraved portrait of the orator to the next generation, with a heavy, but,—as the world is willing to allow,—authentic certificate of the great consideration and esteem in which the original was held amongst the men of his own times,—how faithfully he toiled, how deeply he thought, and how much he said. Judicious readers are apt to lay aside such volumes with the reflection, that if the orator had employed the same labour in well-written books, upon subjects wherein he was capable of giving instruction, his fame would, peradventure, have secured to itself a longer flight.

I have little now to offer in the way of biographical detail, during the present and the ensuing years—1825 and 1826,—beyond what is supplied by the letters of Mr. Wirt, which, written principally to the members of his own household, deal with matters of trivial interest and personal concern, and which represent him under the amiable

relations of domestic life, planning the education of his children, contributing to the happiness of the family circle by the unrestrained utterances of a mirthful temper, or occasionally giving expression to those sentiments of religion and piety which were taking deeper root in his heart and exercising the most benignant influence upon his character. We may observe him at this period of his life under circumstances which are greatly calculated to enhance our estimate of the general success of his career. He was now in his fifty-fourth year. He had enlarged the sphere of his acquaintance with the world, its business, and its cares, and over its pleasant points of communion, almost to the widest verge which it attained during his life. Friends were multiplied, and honour, public applause, reverence, and the full contentment of useful labour, now greeted his advance to the confines of age and promised the delights of all worldly blessings upon the evening of his days. Softened rather than made proud by these dispensations of good, his mind was assuming a richer tint from that mild and mellow radiance which a sensibility to religious convictions imparts to a thoughtful nature. We have had frequent occasion to notice in his letters, the gradual progress of this sentiment from youth to manhood and from manhood towards age, ripening, with the lapse of years, like wholesome fruit, whose flavour is all the richer for the slow and natural development of its growth. It is pleasant to contemplate this certainty of progress with which a healthful mind advances to the maturity of the opinions and beliefs, in which old age most surely finds perfect tranquillity and content of soul to enable it to await cheerfully its final translation hence. We recognise his appreciation of this highest and purest philosophy of human life, in many of Mr. Wirt's letters, but more in those which were written from this period. In the following extract he does no more than justice to one of the blandest lights of the Christian world, whilst he shows how much of its lustre radiated in his own heart.

"I bought the other day,"—he says in a letter to his wife,—"a copy of Watts' Psalms and Hymns. Do you know that I never think of this man, without such emotions as no other human being ever inspires me with? There is a loftiness in his devotion, and an indifference, approaching to contempt, for the praise or censure of the beings of this nether world, which is heroic and sublime. It is so awfully great that even old, surly, growling Johnson, with all his

high church pride and arrogance, felt its influence and scarcely dared to whisper a criticism in his life of Dr. Watts—which is a curiosity in this particular. What a soul of celestial fire, and, at the same time, of dissolving tenderness, was that! How truly did he devote all the faculties of that soul to the contemplation of the glory of God and of the Saviour! He was, indeed, 'ever journeying home to God,' and seems to have stopped half-way between earth and Heaven to compose this excellent book. He was a rapt soul, and I never feel my own worthlessness half so forcibly as when I read his compositions and compare my spirit with his."

He adds, in the same letter, with a playfulness that was characteristic, and which seems to spring to the surface of his thoughts, even in their gravest mood:—"I wish I had bought that copy of Dr. Watts' Works, in five volumes, quarto, which French once had for sale. I would have bought it,—but, it occurs to me that either Mr. Post, or Mr. Rice, told me I could get the book cheaper in Philadelphia. So I postponed it for a better opportunity,—like some girls who wait for a better match, and reject the present offer of a good one. I don't mean you, my dear L. (his daughter): I have no fault to find with you, now, in this or any other respect."

During his July and August holiday, Mr. Wirt made a tour with a portion of his family to Old Point Comfort, Norfolk, Richmond, Charlottesville, and the White Sulphur Springs; a tour of great refreshment to him, not only as it served to renovate his health, but even more in the opportunity it afforded him to meet old and cherished friends, whose habitations lay along the whole path of his journey. Whilst at Charlottesville, he made a visit to Mr. Jefferson; his last visit to Monticello. The venerable tenant of that mountain home was then suffering under an acute disease, which, added to the natural infirmity of age, was rapidly bringing him to the appointed term of his days.* He died within the year from this date. The

* The writer of this Memoir visited Monticello within a few weeks after the period referred to in the text. I was accompanied by a friend, and had a letter of introduction from Mr. Wirt. I had never seen Mr. Jefferson. It was a hot day in July, when we reached the top of the mountain, and entered the spacious hall of the mansion. We presented the letter to a lady of the family. Mr. Jefferson had been very ill with a recent attack of his malady, and therefore excused himself from receiving company. There was a large glass door which opened upon the hall, and separated Mr. Jefferson's apartments from it. Whilst we sat in this hall, a tall, attenuated

meeting, we may believe, was of melancholy concern to the Attorney-General. It was the visit of a pilgrim, not to an empty shrine, but to an ancient hearthstone, where the friend of his youth yet inhabited, and where many vivid memories yet lingered to bring back the images of the past, now saddened by the thought that the brittle chain of a great life was soon to be broken, and, with it, almost every surviving association which gave interest to the place.

Whilst Mr. Wirt was at Charlottesville, the Marquis de La Fayette was a guest at Monticello. A dinner was given to him at the University, and the Attorney-General was one of the company.

"We have had a great day," — he writes to Mrs. W. on the 20th of August, 1825. "I dined, by invitation, with the Marquis at the University, and was placed on his right hand; and I, too, was toasted. They wanted me to make a speech, but I am *principled* against it. So, I merely expressed my thanks for the unexpected honour they had done me; told them that, although a public speaker by profession, I had not been accustomed to speak in my own cause, and begged them, in lieu of a speech, to accept a toast,—which I gave them. La Fayette, who had been toasted, had merely returned thanks in so many words, and given his toast; but my friend Monroe, who was also there, had, upon being called out in his turn, made a speech — and not one of his best. I was thought to have made a great escape."

I close this chapter with a sketch of a distinguished foreigner who visited the United States in this year, and who will be remembered for the kindly tone of a volume subsequently published by him, containing the impressions made by his visit.

TO MRS. WIRT.

BALTIMORE, October 30, 1825.

* * * "I dined yesterday with the Duke of Saxe Weimar, at Mr. Oliver's. He is about a head taller than myself, with a nose *retroussé*, and features a good deal like ——'s,

figure, slightly stooping forward, and exhibiting a countenance filled with an expression of pain, slowly walked across the space visible through the glass door. It was Mr. Jefferson. He was dressed in a costume long out of fashion — small clothes, a waistcoat with flaps, and, as it struck us, in the brief view we had, some remnants of embroidery. The silence of the footfall, the venerable figure, the old costume, and the short space in which that image glided past the glass door, made a strange and mysterious impression upon us. It was all that I ever saw of the sage of Monticello.

not fair and auburn-haired, however, like ——, but with a sallow complexion and dark hair; no redundant fat, but brawny, muscular, and of herculean strength. He is about thirty-five years old, and looks like a Russian, or one of those gigantic Cossacks. I dare say he makes a magnificent figure in uniform. He speaks English tolerably well; yet he has that apparent dullness of apprehension which always accompanies a defective knowledge of a language, and which renders it rather up-hill work to talk with him. He sat between Oliver and Mr. B., neither of whom seemed to be able to find him in talk. T., who you know is a pious Roman Catholic, as well as a most amiable gentleman, said, 'Come, Mr. B., Mr. Wirt and I sit side by side quite enough in court, let me change places with you;'—his object being to amuse the Duke. The change was made, and T and the Duke got into a side talk. The Duke was soon observed to speak with a most 'saracenical and vandalic' fury, and, as I was afterwards informed, was pronouncing a philippic against the Roman Catholic religion, which he blamed for all the political conspiracies in Europe. T. soon took occasion to tell him that he was himself a Roman Catholic. This produced some embarrassment, but the Duke got over it. T. changed the subject to the war, in which the Duke had figured—particularly at Waterloo; and unluckily asked the Duke about Blucher. Now, Blucher, it seems, had on some occasion gone into the Duke's territories, and was exacting contributions from his subjects, which the Duke hearing, had him put in prison. So, here was a new *contre-temps*, and as there was a general pause at the table, I attempted to relieve it by asking the Duke another question, which contributed to increase the difficulty. I dare say he wished himself amongst the wild boars of the forest of Westphalia."

CHAPTER XI.

1826.

CHARACTER OF HIS CORRESPONDENCE.—IS APPOINTED PROFESSOR OF LAW, AND PRESIDENT OF THE UNIVERSITY OF VIRGINIA.—DECLINES.—LETTER TO HIS DAUGHTER.—COMMON SENSE AND GENIUS.—DEATH OF ADAMS AND JEFFERSON.—WIRT APPOINTED TO DELIVER THE EULOGY UPON THEM.—LETTER TO POPE.—APPROACH OF OLD AGE.—DELIVERS THE DISCOURSE ON ADAMS AND JEFFERSON.—ITS RECEPTION AND CHARACTER.—LETTER TO BENJAMIN EDWARDS, CONDOLENCE.—LETTER TO JUDGE CABELL, PRESENTING THE DIFFICULTIES IN WRITING THE DISCOURSE.

I HAVE now great numbers of letters written from this period of the life of Mr. Wirt until the close of it. They form a most interesting collection, worthy of separate publication. They are mainly written to members of his own family, and overflow with wholesome instruction communicated in the most pleasing forms, kind and wise counsels, playful gossip informed by a matchless kind-heartedness, grotesque and whimsical conceits to amuse his family fireside, grave dissertation often, and everywhere breathing a spirit of an earnest, profound and hopeful Christian temper.

His days were devoted to hard work—harder than heretofore—cheerfully, and always patiently performed. This found a short intermission at midsummer, when the vacation of the courts allowed him to travel for health and recreation. In his working-time, his choice amusement seems to have been the employment of his pen in this friendly correspondence. I have not space for a tythe of these letters. My selections shall be confined to such merely as may contribute to forward the personal history I am writing; such as may show the track of his life, develope his character, illustrate, now and then, some opinion, or tell us what he has done or means to do. Even from the few I shall present with this purpose, I shall, sometimes, only give extracts He did not, as the reader has had abundant

reason to know, write his letters with any expectation that they were ever to be put in print. They ramble over the lightest and the gravest topics, and digress, sometimes, so rapidly from one to the other, utter his opinions with such unmasked freedom, and sport through such a field of odd and amusing fancies, as often to bring to our remembrance the eccentric drolleries of Tristram Shandy, and to convince us that the rich vagaries of the amiable and witty Yorick found a kindred soil in the mind of the letter-writer. A correspondence thrown off in this temper, will, of course, exhibit many inaccuracies of style, some crudities of opinion, perhaps, something of what in other circumstances would be called egotism, something, also that the world might consider vanity of opinion—but they will display the true man. A perusal of these letters convinces me that no man might, more fearless of scrutiny or public censure, throw all his secret thoughts and his most unguarded feelings and sayings open to the world than William Wirt.

Before I pursue this correspondence, I have to note an incident which occurred early in the present year, and which bears honourable testimony to the estimate made of the legal and literary accomplishments of the Attorney-General, by a learned body which was, at that period, peculiarly illustrious from the distinction of those who composed it.

On the 6th of April, 1826, this letter was addressed to Mr. Wirt from Monticello.

Dear Sir:

I have the pleasure to inform you that, by an unanimous vote of the Rector and Visitors of the University of Virginia,* you have been appointed Professor of the School of Law in that Institution. To no one, I can assure you, is that appointment more gratifying than to myself; and I may further say with truth and for your satisfaction, that your name was amongst the first which occurred to some of us at the epoch of the original nomination, was the subject of consultation, and would have been that, probably, of first approbation, but from an absolute despair of your relinquishing for this, the higher station you occupy. Some suggestions, however, having lately reached the Board, that this might possibly be less desperate than was appre-

* The record of the proceedings which accompanied this letter, stated that the members who gave this vote, were, "Thomas Jefferson, Rector, Joseph C. Cabell, John H. Cocke, Chapman Johnson and James Madison."

hended, they have, with a view to strengthen inducements to your acceptance, created an office of President of the University, with an annual salary of fifteen hundred dollars, and appointed you to that office also. Their resolutions to these effects I have the honour now to enclose; and the public impatience to see the school of law opened, makes it my duty to say that an answer, at your earliest convenience, will heighten the gratification of your acceptance. Permit me to add the assurance of my great and constant esteem and respect.

THOMAS JEFFERSON.

The resolutions which accompanied this letter, conveyed a very striking compliment to the individual to whom they refer, and one of very unusual occurrence in similar institutions, as will be seen in the last of a series adopted on that occasion:

"*Resolved*, That William Wirt, at present Attorney-General of the United States, be appointed President of the University and Professor of Law; and that if he decline the appointment, the resolution establishing the office of President be null and void."

The reply to this letter was as follows:

TO THOMAS JEFFERSON.

WASHINGTON, April 8, 1826.

DEAR SIR:

I hasten to acknowledge your favour of the 6th inst., just received, by which I have been both pained and gratified. I beg you to be assured that I had no agency, direct nor indirect, in giving this trouble to the Rector and Visitors of the University of Virginia, and I regret exceedingly the suggestion that led to it. I am very sensible of the kindness of the motive which prompted my friend to make the suggestion, and I shall never cease to remember with grateful pleasure this mark of confidence, from those whose confidence is, in my estimation, above all earthly price. But with very strong prepossessions towards the course of employment proposed to me, my situation compels me to decline it, and to resign myself, perhaps for life, to the more profitable labours of my profession.

* * * * * * *

With the most grateful acknowledgments to the Rector and Visitors of the University of Virginia for the honour done me by an offer so flattering in all its circumstances, and with the deepest sense of your personal kindness to me, dear sir, on this and every other occasion, I remain, as I have ever been,

Your faithful and devoted servant,

WM. WIRT

We return now to that topic from which this incident had led us to digress.

It seems to have been the aim of Mr. Wirt, in his correspondence with his children, not only to invite the most unrestrained confidence in their intercourse with him, but, also, to encourage habits of reflection upon grave and useful subjects, and thus to stimulate their ambition to the highest order of studies. In the following letter, which was drawn forth by some inquiry from his daughter, the reader will smile at the earnestness of the dissertation which is apparently so elaborately worked out for the benefit of a young lady not yet entirely emancipated from the charge of her teachers. He will be struck, also, with the random playfulness with which a metaphysical question is familiarized to the mind of his youthful correspondent.

TO ELIZABETH WIRT.

BALTIMORE, May 18, 1826.

* * * It is after mail hour to-night, but it is not yet bed-time,—and so, I think I will employ the interval in holding a little discourse with you.

First and foremost, I desire to thank you for your very flattering compliment to my nonsense. I beg to put you right in one particular, however. That same "straight-forward, broad road of common sense," which you seem to think so crowded, is as unlike "the broad road that leadeth to destruction," in the number of its travellers, as in the termination to which it conducts them. It leads to peace and safety, and few there be that travel it. It is a perfect desert, with, here and there, only a straggling passenger. Common sense is a much rarer quality than genius.

This may sound to you a little paradoxical at first, — but you will find it true. And there is quite as much counterfeit common sense as counterfeit genius in the world. Mere eccentricity, animal spirits and impudence, often pass for the last, and a leaden dulness for the former. But I am comparing not the counterfeits, but the genuine diamonds: and I do aver, that for one *diamond of common sense* that you can show me, I will show you twenty merchantable diamonds of genius. If you will reflect a moment on the number of faculties which must necessarily enter into the composition of common sense, you will not be surprised at the fact. For common sense is not, as superficial thinkers are apt to suppose, a mere negative faculty — it is a *positive faculty*, and one of the highest power. It is this faculty that instructs us when to speak, when to be silent, when to act, when

o be still;—and, moreover, it teaches us *what* to *speak*, *what* to *suppress*, *what* to *do*, and *what* to *forbear*. Now, pause a moment to eflect on the number of faculties which must be combined to constiute this common sense; a rapid and profound foresight to calculate he consequences of what is to be said or done, a rapid circumspection nd extensive comprehension, so as to be sure of taking in all the ircumstances which belong to the case, and missing no figure in this rithmetic of the mind, and an accuracy of decision which must be s quick as lightning, so as not to let the occasion slip. See what a nowledge of life, either by experience or intuition, and what a happy onstitutional poise between the passions and the reason, or what a owerful self-command, all enter into the composition of that little, lemure, quiet, unadmired and almost despised thing called common ense. It pretends to no brilliancy, for it possesses none; it has no stentation, for it has nothing to show that the world admires. The owerful and constant action of the intellect, which makes its nature, s unobserved even by the proprietor; for every thing is done with ntuitive ease, with a sort of unconscious felicity. See, then, the uick and piercing sagacity, the prophetic penetration, the wide comrehension and the prompt and accurate judgment which combine to onstitute common sense, which is as inestimably valuable as the olar light, and as little thought of. Now, turn to genius; analyze t, and see how many *useful qualities* enter into *its* composition. enius, what is it? a fever of the brain — sparkling with delirious rilliancy; a nocturnal exhibition of fire-works in a state of rapid etamorphosis: — now it is a horizontal hoop, turning and whizzing, nd cracking and shooting off its lateral spouts of fire; and then, with louder *crack*, it becomes a fountain, a *jet d'eau*, pouring up a roarng flood of fire, which parts at the top and falls off on every side, ike a weeping willow composed of pencils of descending sparks; hen, crack! it becomes a vertical wheel, and away it goes, round, ound, round, whiz, whiz, crack, whiz, whiz, crack, crash, crack—and hen the foolish mob laugh, and clap their hands, and huzza! huzza! nd the heart of the foolish exhibitor is proud. Such is genius!— And then it plays at blindman's-buff, and moves about as confidently s if it had its eyesight; then bump goes its nose against a mantelpiece, and then the blood flows; it turns in a different direction, and mack goes its shins against a sofa, and blood flows again; it cries, "O dear," changes its course, with outstretched arms, and thrusts its ingers into a neighbour's eyes; it cries "O dear" again, drops its ands, and they are seized by a dog; it picks up what it supposes to e a stick to strike the dog, and it proves to be a rattlesnake, which tings it to death—and such is genius! Anon, you will find it risen rom the grave like a vampire, and going forth to the brow of a hill o behold the beauties of the rising sun, and running forward with apturous exclamation till it pitches over the brow of the precipice;—

then reclining on the bank of a river, and weeping with idiot sorrow at the forest on the other side, embrowned with autumn, and the sered leaves falling with every breeze. "Alas! what an emblem of frail humanity!" Next rushing with maniac fury up the sides of Mont Blanc, perilling life at every step among the roar of falling glaciers and the yawning of frightful fissures,—all to see the summit of Mont Blanc! Then lying along on a tombstone in a country church-yard, listening, with half-closed eyes, to the drowsy beetle, and marking the weary ploughman as he plods his homeward way, and dreaming of elegies and epitaphs, until the night-dews come to bring fever and death:—and such is genius! Then sitting among the ruins of Palmyra, to hear the jackal scream as he digs the graves for his wonted repast, rapt in a vision of long-past glory of Babylon and Memphis and Egyptian Thebes. Or seeking for glory itself, in discovering in a reverie of Chaldean astrology and astronomy, the sources at once of the Pagan Mythology and the Christian revelation; and then going home to die under the stroke of the guillotine, or to rot in a prison, or to perish in the streets in vile and inglorious poverty and contempt. Or traversing the burning sands of Africa, among growling tigers, and famished lions, and serpents of stupendous length, to look for the sources of the Nile and the Niger, and perishing, far in the interior, among savage negroes, by a death as obscure and impenetrable as the sources of the rivers which it died in attempting to explore. Behold the reward of impulsive genius! "Oh Genius!" as a friend of mine once said of a friend of yours, "forgive this feeble attempt to portray thy beauties!"

"Surely you are not in earnest in decrying genius at this rate?" Indeed I am. Of itself it is a mere bedlamite: but combine it with common sense, and you make it a radiant seraph. That is the union which my soul delights to honour. Unite genius with common sense, and I care not what capers it cuts nor into what apparent dangers it plunges. It may pitch down the cataract of Niagara, or rise on the spray and laugh among the mimic rainbows. It may spring up with the lark that sings "at Heaven's gate,"—or shoot with meteor blaze across the wide expanse—or belt the globe in a minute with Ariel,—or thread it through the poles with Captain Symmes—or leap into the crater of a volcano with Empedocles,—or dance among the merry streamers of the Aurora Borealis till midnight,—and then pillow its head on the southern cross—and come down in the morning on the back of one of Southey's blue-winged what-you-call-ums [I forget the name—*glendoveers*] so that I distinctly see common sense by its side all the time, I should feel no fear of any mishap.

So, here we are, upon *terra firma* again! With regard to the aforesaid *extravaganza*, all I have to say about it is—"accept" extravagance "instead of wit." The long and the short of the affair is,—put common sense at the helm, and genius may fill the sails till the can-

ass cracks—all's safe:—but put genius at the helm—and a zephyr will do the business. The richly freighted argosie is soon upon the rocks and its treasures cover the waves. Do you understand the *morale* of all this? The fact is, you have two sides to your head, and you are in a *ruinous* mistake with regard to their relative value:—you are caught with the tinsel glitter and sleight-of-hand tricks played by the one,—and you despise the plain bullion of the other. Perish, perish such a mistake forever!—genius may make us admired, but it is common sense alone that can make us respected. Believe me, this is not "philosophy and nonsense," my dear daughter; it is Heaven's truth,—and I pray you to believe it. Be as gay and animated and brilliant and captivating as you please: but let it be seen that all these spirited graces are perfectly under the command of strong common sense, and the admiration and respect will be equally unbounded. Was it ever your good fortune to see "the grand entrée of all those beautiful horses?"—and did you not mark how, amid a thousand apparently hair-breadth escapes, the most intricate, difficult, and beautiful evolutions were executed, with a rapidity which seemed to defy all notions of concert or command?—with what spirit, what grace, what beauty, they involved and evolved themselves, in every possible variety of combination—and all without the slightest confusion, without a single jar, every horse turning and wheeling at the point of anger, at the slightest touch of the rein? That is a fine symbol of the conversation and action of genius and common sense combined—genius supplying the *impetus* and common sense the *tact*. Maria M. was a girl, spirited and gay to volatility, bounding along with the agility and grace of the antelope, free, excursive, full of point and brilliancy,—running, leaping, flying through all the mazes of thought and action, with a quickness and versatility which you would suppose had double-distanced common sense and left it out of sight,—yet did you perpetually see that Mentor by her side, and she was safe. You would sometimes think that she was rushing upon some ruinous mistake, but she would turn with the happiest tact, at the point of danger, and fill you with new wonder at the talent which could thus escape. I have seen other animated and brilliant girls who were perpetually getting themselves into scrapes—committing indiscretion upon indiscretion—hitting people upon their tender points—continually repenting and continually blundering. This was for the want of common sense—yet they were as vain of their genius as the stag in the fable of his antlers, and despised mere common sense folks, as the aforesaid stag did his feet; but their genius was perpetually getting its antlers entangled among the thickets of indiscretion, while common sense ran safely forward upon its feet. Have you got enough of it, and will you profit by it?—tell me that. 'Tis bed time—so, good night.

Your affectionate father,

WM. WIRT.

The fourth of July in this year 1826, has been made memorable, above all other returns of the great national anniversary, by the most remarkable incident, of its kind, in this or any other country—the death of John Adams and Thomas Jefferson. Those two illustrious men died on this day, at the termination of the first half century since the Declaration of Independence. They were the two individuals who constituted the sub-committee appointed to prepare the declaration, by the committee of five to whom that duty had been confided by Congress, and, together with Charles Carroll of Carrolton, the only survivors, at this date, of that illustrious Congress itself. They had both been presidents of the United States. They were each the leader or chief respectively of one of the two opposing political parties which, from the organization of the government, had divided the people, through a long and bitter antagonism. They had now each passed beyond the limit of fourscore years,—Mr. Adams, indeed, beyond fourscore and ten,—and outliving the animosities and passions of their earlier time, had advanced into the evening of their days in kindly communion, which was sustained in a long and frequent correspondence by letter, unalloyed by a single harsh remembrance or ungentle recurrence to the past Great preparations had been made everywhere to greet this anniversary with peculiar congratulation, as the termination of the first fifty years of national independence and national happiness. Amidst these rejoicings in the general holiday, celebrated with an unusual display of pageantry and observance, the two patriarchs of the Republic, each at his own home,—one in Massachusetts, the other in Virginia—took their departure from this sphere. It seemed as if by some special bounty of Providence, that, in this universal jubilee—of which they only, amongst living men, were the authors—their spirits were permitted to be lifted upon the voices of grateful millions to that throne before which the nation was bowed in the worship of thanksgiving.

The country could scarcely believe the tidings of this extraordinary event, which in a few days sped from state to state, from city to village, and from village to each rural homestead; so strange and even miraculous seemed the dispensation. It became, itself, an event for celebration, and was commemorated in many places by public meetings and orations. At the city of Washington it was determined to sig-

nalize it by a public assemblage of the citizens of the Capital and the functionaries of government, and by an appropriate eulogy on the illustrious dead. The day appropriated for this ceremony was the 19th of October, being the anniversary of the surrender at York, and also of the birthday of Mr. Adams. The Hall of Representatives in the Capitol was designated as the place for the celebration. Mr. Wirt was selected by the committee to pronounce this eulogy. Fearing, at first, that he might not be able to do full justice to the subject in a joint eulogy, he accepted the invitation, with an understanding that he should confine his discourse to Mr. Jefferson, with whose life he was most familiar, and that another speaker should be procured for the same occasion, who might do equal justice to Mr. Adams. Mr. Everett was thought to be best qualified for this duty, and was, perhaps, asked to perform it. A second thought, however, seems to have brought the committee to the determination to insist upon their original plan, and Mr. Wirt consented to comply with their wish.

We shall see some reference to this arrangement in the next letter.

TO WILLIAM POPE.

WASHINGTON, July 24, 1826.

MY DEAR POPE:

I owe you so many letters that I shall never be able to pay you, and you will either have to spunge the debt, or be content to take sixpence in the pound.

My daughters, L—— and R——, and myself, leave this place on Wednesday next, in the steamboat, for Richmond (by the way of Norfolk), where our carriage and horses will meet us, and we shall there take up E——, and move off on Monday the 31st July, in the afternoon, to Powell's, and so on, *via* Goochland Court-house and Mrs. Tinsley's, to Charlottesville and the Springs. This is our present plan. Barring accidents, we shall certainly be in Richmond on next Saturday morning; and as we are late in the season for the Springs, my desire will be to move on as I have already stated; though we may *possibly* be detained a day or two longer in Richmond. I take a carriage and a saddle-horse for the girls to rest themselves occasionally; so that if you could join us *on horseback*, you would always have either myself or one of the girls to parley with by the way, on horseback, too. I need not tell you how happy I shall be to encounter you.

I am delighted to find that you still keep up your fine spirits.—What a treasure it is *to have them*! I would not exchange them for

the moping and anxious wealth of all the misers in the land. But is it not hard that we are to live thus asunder; to have lost so many years of friendly mirth and hilarity; and never to see each other except by a casual *rencontre* for a moment on the road; even this not "'till youth and genial years are flown, and all the life of life is gone?" Why, what a life it is! Before we can turn around three times, we are old — and the servants call us "old master" — and we hear our fellow-travellers alluding to us as "the old gentleman"—and the girls look away from us to ogle the boys, and tell us, as plain as looks can speak, that they would none of us: and yet it was but the other day that, when a fine girl was the word, no boys in the land could stand before us. What is the meaning of all this? I have not had my share of life's banquet yet; at least, my appetite is not satisfied. I cannot say with Lothario, "Sated with the delicious banquet I arose:" on the contrary, I consider myself as just fairly set in. And to have the dishes removed while the edge of appetite is yet so keen, is treating me rather too much like Sancho in the island of Barataria, to be agreeable to my taste. Plague on them all, I say! I am not old. Is a man old at fifty? Why, Mr. Jefferson was fifty when he resigned the Secretaryship of State; and he was then not more than half-way in his race either of enjoyment or glory. Surely a man is himself the best judge whether he is old or not; and I seem to myself to be quite as young as I was in 1802, when they made me a Chancellor — and when I was certainly a beau of the first magnitude — with no lean wardrobe either — witness the black silks, in which you paid your *devoirs* to Miss Lucretia McTabb, in the old lodge. — "No more o' that, an you love me, Hal!" This fancy they have, of my being old, and treating me with the reverence due to age, is really quite diverting sometimes; and I catch myself laughing in my sleeve at their mistake. It reminds me of a character in Terence, assumed as a mask for better sport. But the drollest part of the business is that my looking-glass seems to have fallen into the same mistake, reflecting gray whiskers, and a wrinkled forehead, and hair growing thin on the top and on the crown of the head. This is carrying the joke rather too far, seeing there is no one by, but myself, to enjoy it; and it is not so cooked to my taste as to give me any sort of enjoyment. All I shall say is, that if old age really has come upon me, I have lost a great deal of time in bashfulness and ceremony, and saving appearances, that might have been better employed. If this is the whole of life, we have no time to stand shilly-shally on any occasion; and instead of timidly touching D——'s finger behind the chair ("s'cat," says she!), our business is to take her boldly by the chin, at once, and *buss* her — "'till the ceiling echoes back the lusty smack." It is our business to make the most of our time, and to coin not merely our days and hours, but even our minutes, too, into happiness or glory. No standing back and blushing and stammering at the bar, for the

first four or five years of our practice. No trembling and turning pale whenever we are called upon to carve a turkey or compliment a lady. We have no time for any such nonsense. We must make haste to live to the best advantage—and crowd into every moment all of utility, honour, and enjoyment that we can. This is the only true economy for such an evanescent life. I fancy Mr. Jefferson made the most of his. Oh my dear Pope — there was living and dying for you! That was a life and death well worth coming into the world for! The comparison makes me melancholy. What the deuce have I been doing? The truth is, I thought there was no occasion for hurry; and that I might put off trying to be a great man, till youth and its honey-moon were over; and behold, before I have had time to say "Jack Robinson," my whiskers have turned gray! But never mind, I have had some enjoyment, too; and have snatched a little bit of distinction, *en passant*, and by way of sport,—the greatest distinction I have gained, having been gained by what was amusement to me at the time. But what an *egotistical* letter am I writing to you! However, *before I quit myself*, you may have some curiosity to learn that I have been nominated here to deliver a joint eulogy on Mr. Jefferson and Mr. Adams; that I have accepted the former and declined the latter, on the true ground of having never seen Mr. Adams, and being, therefore, unable to do him the justice which I could do to Mr. Jefferson — in consequence of which our citizens are going to write on and invite Mr. Everett of Boston to take the Adams part of the subject.

Can't you go to the Sulphur Springs? (which is a different affair from "will you come to the bower," &c.) Do try — you would have great enjoyment. — That, indeed, you can have anywhere — but you would be on a new theatre, with new actors, at the Springs—and you will meet with some *characters* there, I promise you.

How is dear ——; give my love to her — and also to our trusty and well-beloved Morris when you see him.

Farewell, dear brother Billy—till we meet—which will be, I hope, in one week.

Your friend,

WM. WIRT.

P. S. — I send you a newspaper, principally because I know your love for me will be gratified by one of the toasts.

The eulogy was delivered according to the appointment. This discourse was published and went through several editions. The committee who procured its publication, amongst other resolutions of commendation, passed one which responded very gratefully to the

feelings of the orator, if we may judge from the interest with which he was accustomed to regard the subject to which this resolution directs us.

"*Resolved*, That the oration be particularly recommended to the youth of our country, as containing a most chaste and classic model of eloquence, and at the same time furnishing the noblest examples of pure and disinterested patriotism, and of an expanded philanthropy, embracing in its beneficence all mankind."

This oration has been rendered by the occasion which produced it, too familiar to the public to make it necessary for me to say much about it. It has been variously criticised — with friendly and unfavourable comment. Objection has been made to its ambitious and over-ornamented diction — a common topic of censure, with many critics, against Mr. Wirt's style. It has been charged with a defect of simplicity and strength, and as too indiscriminate in its praise of the great personages who supplied the theme of the discourse.

In the discharge of such a duty as was assigned to the orator, and at such a time, it is scarcely just to measure his performance by the rule of a severe judgment. In the overflow of feeling, at such a moment of national excitement, much may be pardoned to the orator who indulges the expression of ardent emotions in language more glowing than he would choose to employ in a cooler moment. Still greater allowance is to be made for the difficult achievement of exhibiting distinguished public men, — whose lives have been identified with the history of the parties they controlled, — under such a guise as shall, if not wholly conceal their distinctive party features, yet, at least, display them so faintly drawn or so artfully coloured as to offend no rooted opinion of the present nor lingering prejudice of the past. Mr. Wirt, all will admit, very dexterously shaped his way through these impediments, and accomplished his object better than might have been expected. The discourse has many fine passages of thought and expression, inculcates a sound and wise philosophy, and is redolent with love of country. It is especially to be remarked for the amiable and pleasant pictures it presents of the two great fathers of the Republic, in those relations which the antagonism of political opinions could not affect. They live in the discourse, chiefly, as patriots, philosophers, patriarchs. The partisans of either may study these pic-

tures with profit, and may find space on the neutral ground which the orator has exhibited to them, to build an altar where every lover of his country may resort to kindle new flames of kindness and good-will, to sacrifice the intolerance of party spirit, and to learn a lesson of mutual forbearance and wholesome self-distrust.

We notice in this discourse, a passing reference to the old topic of correspondence with Mr. Adams, which we have heretofore referred to as occasioned by the publication of the Life of Patrick Henry. Mr. Wirt endeavours to do full justice, as far as the occasion allowed him, to the character and claims of Otis as one of the early champions of the Revolution. When speaking of the first impulses which moved Adams and Jefferson to the contest, he remarks — "Whether Otis or Henry *first* breathed into this nation the breath of life (a question merely for curious and friendly speculation) it is very certain that they breathed into their two young hearers, that breath which has made them both immortal."

This passage seems to have been prompted by the suggestions of the correspondence referred to, and expresses what I have heretofore attempted to show, was, in truth, the only value of the point in controversy.

Taking leave of this subject, I resume the train of my biography as it is found in the letters.

A grave letter now of condolence, written to an old friend, whom the writer remembered still with the most reverential affection:

TO BENJAMIN EDWARDS.

ANNAPOLIS, October 22, 1826.

MY EVER DEAR FRIEND AND BENEFACTOR:

Ninian has been so kindly thoughtful as to send me Cyrus's letter of the 22d July last, from Elkton (Illinois), announcing the sad bereavement you have encountered. The letter found me, about ten days ago, at Washington, whither I had returned from a long excursion to the South-western Springs of Virginia, for the benefit of my own health and that of one of my daughters; and it came to me at a time when I was most intensely engaged in preparing to meet a public engagement arising from the deaths of Mr. Jefferson and Mr. Adams. The shock which it gave me disarmed me for the day, and I would have poured out my heart to you at once, if my grief could have had any other effect *than to increase your own.* I reached this place about

an hour ago, and although I have a cause now under argument in the Court of Appeals at this place, which demands my immediate attention, I cannot sit down to business until I have lightened my breast by giving you this evidence of my sympathy. Poor dear Mrs. Edwards! — it is now thirty-eight years since I first saw her at Mount Pleasant.—I was, then, in my sixteenth year, a volatile and thoughtless boy, looking on the world and life before me, with all those brightening hopes and expectations of youth that painted it as a fairy scene whose pleasures would never end.—I am now old and gray, the illusion is long since over, and I have been taught, by mournful experience, to know the world as it is,—a poor and miserable stage-play, in which there is nothing of any value but those pure attachments which bind us to one another and those which bind us to our God and Saviour. If this life were all, — the former, sweet and endearing as they are, would be but poor things: they are "flowers of the forest" withered and gone very often before we have had time to know their value. I lost a dear boy, in his 19th year. Two years, this fall, he died far away from me, in France, where he had gone for his health. He was the pride and hope of my heart and family, and an object of admiration and love to all who knew him. My dear friend, — I cannot think of him, and never shall I be able to think of him, without tears. He was the third of my children I had lost;—the two former in the tender and attaching age of infancy. But Robert was growing to be a man, and had displayed such a noble soul and mind, that I have said to myself a hundred times, if my dear old friend Mr. Edwards could but know this boy, what an augury would he not make for *him*, who made so bright a one, on the inferior evidence presented by his father in the days of *his* youth! Dear Mrs. Edwards too — how kind *she* always was to me!—how respectful and tender to a poor orphan boy, of obscure parentage, who had no other claims to her respect and tenderness than those which her own native kindness suggested! How well do I remember her looks, her voice, her movements, her manners — the natural dignity, and excellent understanding, and unaffected warmth and tenderness of feeling, that reigned in her character and conduct, — the pleasure and just pride with which she listened to your conversation, my dear friend, and enjoyed the admiration of the circle around you, of which I was one, and not less proud of you, myself, than if you had been my own father! The family sitting-room at Mount Pleasant, the large and cheerful fireside, the lighted candles, the eloquent, varied and charming conversation, the fine healthy circle of children, the laugh, the jest, — Kelly, — myself, — how forcibly the whole scene stands revealed to me at this moment! And yet it is near forty years ago. Where are they all? through what scenes have I, myself, since passed? And all our neighbours, the Lanes, the Gassaways, the Catletts, — only think of the desolation that has mowed them all down! Wm. Smith and his

family, old Mr. Turner and his, and old Mr. Orme and his, and the Perrys, — all gone! Have you not been rather favoured, my dear friend, to have been so long blessed with the society of your most excellent and beloved companion? Come whenever it might, the blow must, indeed, have been most deeply felt. But, considering the fate of your old neighbours, and the certainty of that fate to all, has not Heaven been kind and merciful in suspending it so long? You enjoyed her society for near fifty-four years. The poor orphan boy you protected experienced the same bereavement before he was thirty years of age. And although your having lived so long together must have drawn the cords the closer and made it more agonizing to sever them, yet the separation must at last have come. Has it not been merciful in Heaven to have made it for so short a time as in the ordinary course of nature it must now be? — for, according to the lot of humanity, it cannot be long before you will be reunited, to part no more. Both believers in Christ, and as faithful followers of his as you could be, to what a speedy re-union may you not look in that world of bliss where you will know sorrow no more. Strange, when we reflect upon it, that we should mourn such a separation at all! But our natural earthly affections cannot be extinguished either by reason or even faith; and that Being who knows our infirmities will not fail to look upon them with mercy and pardon. Mrs. Edwards' confidence in her interest in the Saviour, can leave no doubt of the happy change she has experienced, and it does not become us to mourn as those who have no hope.

* * * * *

I dare say, you have long since marked me down as having lost the heart of friendship I have always professed for you. Indeed, my occupations, I know, have subjected me fairly to this suspicion. But you, who know me as well as I know myself, will believe me when I assure you that I never think of you without the deepest feelings of reverence and gratitude; and though I have not been able to write as often as formerly, I have never ceased to regard you with the love and veneration of an affectionate child. I can now only pray to Heaven to strengthen and support you, and to spare you for the sake of your dear family yet a few years longer; feeling, on my own part, the most perfect assurance that death, come when it will, will open to you the gates of life and restore you to your partner in the bosom of your Saviour. May I not have a place in your prayers? And will you not do me the justice to regard me as among the most affectionate of your children?

WM. WIRT.

The next presents us a view of the difficulties which the Attorney-General encountered in the preparation of the eulogy, and some little restiveness under the criticism which it provoked.

TO JUDGE WM. H. CABELL.

WASHINGTON, December 5, 1826.

MY DEAR CABELL:

I had only time this morning to thank you, on the back of a letter I was despatching to the post-office, for yours of Sunday, which had just come to hand. The fact is, you are a good friend, and have a better head upon your shoulders than nine thousand nine hundred, ninety-nine and four-quarters of the bipeds in human form that crawl upon this globe and are called *great*—and I only wish you knew the fact as well as I do. You praise like a man of sense; and, I believe, are as right in your censure of some of the figures as you are in your judgment upon the remainder of the characters. This may seem excessively vain in me, as we are speaking of a performance of my own; but I am not talking or thinking of what you call beauties,—I am thinking of the common sense of the subject. Some of the brainless admirers of Mr. Jefferson did, I am sure, expect me to have made a fool of myself, as you justly call it; and the political haters of Mr. Adams expected me to have made just as much a fool of myself on his subject.

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The truth is, the whole affair was a ticklish experiment; and I consider myself very lucky in getting over without falling in—not being much of a tight-rope dancer, nor a spear-walker, especially over "a torrent roaring loud." I am perfectly satisfied with the judgment you and Carr and Taylor have pronounced upon the discourse; and would not exchange your suffrage for that of all Virginia together. I suppose you saw Taylor's letter. He is an excellent man; and being a little fastidious in the matter of composition, I consider it quite an achievement to have pleased him; especially on the points he selects for approbation,—the American spirit, principles, &c. With regard to the *beauties*, we will let them pass. Beauties are the offspring of a mind at ease, and happy with its subject; not of such caution and anxiety as I laboured under, expecting an Indian ambuscade at every step. I do not know whether it struck you, but I fancy that if the essay had been the work of a stranger, I could have seen, what is now manifest to me, that the author felt himself walking blindfold among red-hot ploughshares. That is no frame of mind for the beauties of composition, which spring only on the sunny side of the wall, in a secure shelter. The truth is, I felt generally so chilled by my apprehensions, that I feared the whole would be a frigid affair, and put force upon myself to raise flowers now and then—which, I dare say, betray their artificial character, and have little of the bloom or fragrance of natural flowers. Hence, *the volcano*—which I will strike out in any future edition. It is too late for the

third, which is now in press. Yet the thought was good. The artificial volcano, (do you remember what an artificial volcano is?) compared with Ætna, is not a bad illustration of an attempt at this day, in cold blood, to fancy what a man situated as Adams was, did say in the heat of the moment, with the gallows and glory both before him. The thought, I maintain it, is good. It is only in the words that the bombast appears—"the petty competitions of an artificial volcano, to the sublime explosions of thundering Ætna." And yet, in the words I thought of the sound being an echo to the sense. Virgil's passage, beginning "Juxta *tonat Ætna minis*," is quite as sonorous, if not more so. I am not prepared to plead guilty to the charge of extravagance in the passage, "his voice running with brilliancy and effect through the whole compass of colloquial music." You are not so familiar with the *technicalities* of music as I am. Brilliancy and effect belong to that language; and I see not why a voice, rich in all the intonations and modulations that belong to animated and fascinating conversation, may not be said to run, with brilliancy and effect, through the whole compass of colloquial music. The figure is perhaps faulty in being too technical — but I think a musician would scarcely object to it. What does Dabney Carr say to it? If he condemns it, I give it up. I wish to learn and to treasure all objections, as it is my purpose to leave corrected copies of all I have written.

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Well, I suppose you have had enough of the eulogy now, and I promise you that I shall not resume the subject hereafter;—of which I dare say you are very glad.

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Have you had such a snow as we have had?—though there is now not much of it left. The old ones say we are to have a hard winter by way of *variorum*. By-the-bye, we have been talking of the winters growing milder and milder for some years back—but a very old lady in Annapolis remarked the other day, that this is the observation of persons who have seen only fifty or sixty years:—but she remembers that there were just such winters, in long succession, about sixty or seventy years ago;—and that on one occasion it was so warm that her family went into the porch at Christmas to drink their tea—which is a singular fact, and would seem to indicate that the seasons have a sort of *pendulum* reciprocating motion—though the pendulum must be a pretty long one.

Good night:—it is ten o'clock, which is now my bed hour—till the Supreme Court comes to break my rest.

Yours affectionately,

WM. WIRT.

CHAPTER XII.

1827.

TRIAL OF A MANDAMUS CASE IN BALTIMORE.—SPEECH GREATLY ADMIRED.—REV. MR. DUNCAN.—WIRT OBJECTS TO A REPORT OF HIS SPEECH.—LETTER TO JUDGE CABELL.—MARRIAGE OF HIS ELDEST DAUGHTER.—SETTLEMENT IN FLORIDA.—MR. MEREDITH.—LETTER TO HIM.—APPROACH OF THE PRESIDENTIAL ELECTION.—THINKS OF ESTABLISHING HIMSELF IN NEW YORK.—LETTER TO HIS DAUGHTER.—DEATH OF GILMER.—LETTER TO JUDGE CARR.

In May 1827, Mr. Wirt was engaged in a trial in Baltimore, which attracted great attention, and in which he made one of his most popular and felicitous speeches. A breach had occurred between the members of a Presbyterian congregation in that city—a schism upon some doctrinal question, which found a considerable body of adherents and advocates on either side. Mr. John Duncan was the pastor,—a gentleman of distinguished eloquence, of a very high order of talents,—a bold and earnest preacher, and of irreproachable life and conversation. He was, therefore, at this period, as he is still, a greatly esteemed and admired minister, with many followers and friends.

Without troubling the reader by an attempt to make him acquainted with the merits of the controversy, it is sufficient only to say that the chief point in dispute seemed to be,—to whom belonged the church property, especially—who was entitled to the possession of the pulpit, after this unhappy division in doctrine? It was popularly understood in the community where the parties lived,—and I speak upon no other authority than this common opinion,—that the majority of the congregation, with their pastor at the head, were, in fact, the dissenters from the ancient doctrine which was now maintained by the minority. The church had been built and the property purchased by the contributions of the congregation, of which contributions the majority had supplied the greater part. The dispute was sufficiently irreconcilable

to find its way into the courts and to be consigned to the guardianship of the lawyers.

The period of trial had now come round. The most eminent counsel were employed. On the side of the pastor and the majority, was Mr. Wirt. On the other side, was Mr. Taney, the present Chief Justice of the United States. The case was heard upon an application by the minority, for a mandamus to put them in possession of the property. The trial was before the court. The court-room was filled to overflowing by an eager and excited crowd—composed, in part, of the members of the congregation; in great part, also, by ladies of the highest fashion and consideration in the city, attracted thither by the general interest of the cause and by the fame of the counsel. Seats were especially provided for them. It was the first time that the court had ever been honoured by such a fair assembly. The interest, therefore, of the trial was greatly increased. The weather was exceedingly hot, and the court-room much worse than the weather out of doors. This was the condition of things on the last day, when Wirt was to close the case before the court. The previous stages of the trial had provoked less interest, and were, therefore, without this extraordinary attendance of spectators.

"I had been told the evening before,"—says Mr. Wirt, in a letter to his wife, of the 10th of May,—"that the ladies had determined to come and hear me; but I had discouraged it, sincerely believing that they would find no interest in the discussion to requite them for the pain of such an attendance,—but they wouldn't *take the point.* On opening, I gave them warning that the discussion would prove very tiresome, and that I should not feel the least mortified at their retiring whenever they should find it so.—This, of course, was to the Judge,—no mention of ladies,—but the intimation was indirectly and very intelligibly given, in terms as delicate, graceful and courteous as I could find. I did not expect them to stay half an hour, for having sat up all the preceding night, to make myself more thoroughly master of the cause, I had a head-ache, and was almost stupefied. I had no idea that I should be able to do more than argue the cause drily like a lawyer. But, somehow or other, my faculties seemed to recover themselves by a sudden spring. I never witnessed an audience more interested.—I spoke three hours, when the exertion and the op-

pressive heat of the room had so much exhausted me, that I had to beg the Judge for an intermission of a few minutes.——It was now one o'clock, and I was in hopes the audience would disperse, and leave me to finish my argument at my ease. But not a man or woman budged.

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"Meredith begged the Judge on my behalf, for an adjournment till the afternoon. The court was accordingly adjourned till half-past four. I made sure that I should then have a comparatively thin room and no ladies, and so make cool work of the sequel. * * When we re-assembled, instead of a cool, empty room, I was scarcely able to get to the door; and, instead of no ladies, the number was doubled. I was dismayed,—for I came fatigued and worn down, and felt certain that I should lose all the laurels of the morning. But again, to my surprise, my mind recovered a fresh spring. I spoke an hour and a-half, and when I closed, there was a clapping of hands, as loud as you have heard in the theatre,—ladies and all, even one of the judges, joining in it."

This is his own account. The speech is well remembered in Baltimore for its wit as well as its eloquence. Never was a dry legal subject lightened and relieved, whilst it was most fully discussed, by more brilliant flashes of the finest wit and humour, or adorned with a richer eloquence. The public conversation was full of it for weeks afterwards. The newspapers attempted to preserve some of the happiest hits; but, as in all such experiments, only half preserved them—necessarily giving them without the accompaniments of the context, the manner, the gesture, and the reciprocal sympathies between the orator and his audience, which could alone render them fully intelligible;—in the absence of which they appear flat. The writer of this Memoir heard the speech, felt its effect as others felt it, and saw, without surprise, (being himself held in the same thraldom,) —what he would not have believed unseen,—how marvellously the orator rapt in delighted attention that large crowd, composed of both sexes, and many to whom the courts were altogether unfamiliar, whilst he discussed, for the greater part of a day, a question abounding in technical law, and occasions for a review of numerous judicial precedents. He concluded with a passage that was singularly happy in its applica-

tion to his client, and which, taking the court and auditory unawares, broke upon them with a mingled grave and comic effect,—grave from its connection with one of the grandest scenes of Macbeth, and comic from its unexpected and pointed application to the gentleman who was there present, and upon whose shy and modest countenance it drew all eyes, provoking laughter at his apparent discomfiture. Mr. Duncan, as I have said, was a great favourite, and the public interest in the trial was, in large part, owing to the concern which was felt for him. The advocate, in drawing to a close, spoke of the severity and unkindness of this contention to displace a pastor so much respected by his flock and so useful in his vocation;—expatiated upon the stake which the cause of religion had in this proceeding, upon the necessity of avoiding the scandal such divisions were likely to bring upon this cause,—upon the reflections to which it would give rise, and the great duty of harmony amongst Christian brethren;—and, whilst all seemed to respond to the truth of what he said, he turned unexpectedly towards his client, who was sitting near him, and with most graceful elocution added—

> "Besides, this Duncan
> Hath borne his faculties so meek, hath been
> So clear in his great office, that his virtues
> Will plead like angels, trumpet-tongued again
> The deep damnation of his taking off."

This conclusion of the speech was greeted with the clapping of hands mentioned in the letter; in which act of applause the large assemblage seemed to find a sudden and a pleasant vent for the feelings which had been chained up in mute attention, for several hours, and which now broke forth in general congratulation of the orator.

The cause was gained; and Mr. Duncan is, to this day, in possession of the church, illustrating his ministry by a zeal and talent which have abated nothing of their original strength.

A few days after this trial, Mr. Wirt writes again to the same confidential correspondent who was the repository of the feelings expressed in the last letter:

"I find myself gazed at wherever I go, as if I had just entered Baltimore, for the first time; and hear passages of my speech constantly repeated. They are getting parts of it, I find, into the news-

papers; and I had notice, to day, from one of the printers, that a stenographer had been employed on the occasion, and was trying to draw out the whole speech. * * * * I am afraid he will make poor work of it, and had much rather that he should let it alone altogether. Indeed, it is more than probable that many things which went off brilliantly in the delivery, from time, place and manner, will lose their effect on paper. There is another thing that makes me averse to the publication. The opponents of Mr. Duncan are mortified at some little pleasantries which I hit off upon them in the course of my speech; and if these trifles are made to assume a durable form, I fear they will never forgive me. These produced explosions of laughter, and I do not wish to see the laugh perpetuated by the press. * * I really had no serious intention to 'bite much.' On the contrary, meant only to be a little playful, and relieve the tedium of a law discussion by an occasional pleasantry. But Meredith told me, on a former occasion, that my *playing* in discussion, was pretty much like an elephant amusing himself by giving a man a cant with his proboscis to the clouds, in order to see how he would come down. Now, this never entered my imagination; and I could not, and cannot conceive how a thing manifestly said in laughing good-nature, can give offence. I shall certainly try to stop the publication."

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The following refers to the same subject:

TO JUDGE WM. H. CABELL.

WASHINGTON, June 2, 1827.

MY DEAR CABELL:

What puts it into your head that I am working for *fame* only? You are very much mistaken. I have the corn to show as well as the tally. It is true, the corn does not travel to Richmond; and why? Because it travels, or has travelled, or will travel, or might, could, would, or should travel to Florida. "Prepare for the *future*, and let the *present* take care of itself:"—has not this as good a right to be a maxim as the converse? I have seen the *automaton* chess-player, and have learned to look ahead, taking care to guard against a check-mate at present and at every progressive step also—or as he very quaintly and laconically calls it "*e-echeque.*"

With regard to the *fac-simile* of the Baltimore speech, I beg to be excused; a good thing may be too often repeated. Besides, the goodness of a thing depends so often on time, place and circumstance, and, with regard to *my good things*, so essentially on their novelty, that I am quite content with the past success, and have no disposition to submit to another scrutiny. You would be very apt to say of my

eloquence as you used to say of my jokes, about half an hour after everybody else was done laughing,—"Well, that *may be* a good thing, but I confess I can't see it." And to tell you the truth, I was pretty much of the same opinion with regard to some of my good things in Baltimore. But the people were so determined to be pleased, that the most foolish thing I could say went off with *eclat*. Give me such an audience as that! where a man can gather laurels without any expense of brains. Plague on a Roman senate, or Athenian areopagus, or a Virginia Court of Appeals, where a man is obliged to talk sense or be thought a blockhead! Besides, talking sense is such an every-day business. Everybody talks sense now-a-days. But how many are there who can talk successful folly and gain the reputation of wisdom by it? That is a species of mental legerdemain which puts a man on a level with the far-famed Maelzel, the exhibitor of the Androides, compared with whom the Chief-Justice himself is but an every-day sort of a man.

There was a stenographer who took down the speech, but I have laid my *veto* on the publication, and I trust it will be respected; for I have long since learned to know that reading is a very different thing from hearing. If they will publish, I have this consolation, that, however identical the speech may be, the people who heard it will swear it is not the same. They will be obliged to do this in their own defence, or be considered blockheads themselves for being so taken in, "to approve such stuff!" But for all this, it was a tolerably good speech — for a hot day — and would have passed very well even at —— Fluvanna court-house, *alias* "*The State.*" And now I think we have had enough of the speech.

* * * * *

Yours, affectionately,

WM. WIRT.

Mr. Wirt's eldest daughter, Laura, had recently been married to Mr. Thomas Randall, at that time a resident of Washington, the son of a most worthy and reputable gentleman of Maryland, long known, in that State, as the Collector of the port of Annapolis, and the head of a large family greatly esteemed by the society in which they lived. The allusion to Florida in the last letter, refers to an adventure in which the Attorney-General had engaged, not long before this date, in the purchase of some large tracts of land in the neighbourhood of Tallahassee, and which it was now his purpose to apportion amongst his children. Mr. Randall had just been appointed to the post of a District Judge in the Territory, and was soon to set forth with his

bride on a journey to the new country, with a design to establish himself on a tract of this land assigned to them by his father-in-law. This adventure upon so remote a settlement, included others beside the young persons whom we have just noticed. The two brothers of Mrs. Wirt, Messrs. Robert and John Gamble, who were perhaps the chief promoters of the scheme, had united in this emigration, and made arrangements, also, to seat their families in the same region. In the association of these several households, forming a little circle of persons allied to each other, not only by ties of blood and family connection, but, even more strongly, by kindred tastes, intelligence and cultivation, the privations and inconveniences of such an enterprise were greatly mitigated, and the effort rendered more certain of success. Its success, indeed, was rapid and satisfactory. Judge Randall, a gentleman of great probity and accomplishment in his professional position, and not less distinguished in the highest rank of social life for his virtues and his talents, still resides in this region — now elevated to a state in the Union. A family has grown up around him, and the worthy companions of his first labours, Colonel Robert Gamble and his brother, yet contribute to endear to him a home in which they together enjoy all that good fortune which deservedly belongs to, and generally attends exalted personal worth and an intelligent pursuit of the better objects of life.

It was not long after this letter to Judge Cabell before the new-married couple set out upon their journey. A long and active correspondence between the father and the young emigrants, bears ample testimony to the great solicitude with which he looked upon this adventure, his pleasure in its successful development, and, above all, the warm attachment and trust which his son-in-law had already kindled in his bosom. We shall see in the letters of future date many references to this settlement, as well as the most abundant proofs how many affections of his heart were garnered in this new home of his children.

We have a letter written to his daughter, whilst she was yet on her outward journey, which commemorates that first departure which is always so notable an event in family history, and often so significant of the fate of children in after-life.

TO MRS. LAURA RANDALL.

WASHINGTON, September 9, 1827.

MY DEAR LAURA:

I write in the faint hope that this letter may be taken up by you in Milledgeville, as you go along; though I am aware of the chances against it. It may not reach there in time, or you may forget to ask for letters. Your sister E. addressed a letter to you at Henry Carrington's, which, I am pretty sure, must have got there too late; and you will, therefore, probably not see it till you get to Tallahassee,—which will, in all likelihood, be the fate of this. But never mind: "here goes"—as they say in Dunkirk.

It would only afflict you to depict the desolation of the house since you left us. Your mother has not been down into company since, and every memorial of you puts her again into tears. *My* grief shows itself by keeping me continually in a bad humour—fretting at everything without any adequate cause. The children cannot set fairly in upon their studies. It will take a good while to close the gap which your absence has caused, and to cicatrize the wound. We miss you at every turn — at every meal — every morning, every noon, every evening. The piano misses you — the seat looks at the door, as if it were continually expecting you to enter, but it is continually disappointed, and turns away in the dumps. In the meantime, we hope that *you* are going merrily along—your attention continually diverted by new objects and new scenery. We heard of you twice after getting your short note from Chatham. Mr. Southard, on his return from the Springs, was near meeting you at Smock's, four miles beyond Fredericksburg. Smock told him that you were going merrily along — that he made one blunder which lengthened your face for a moment, but that you soon recovered it; his blunder was in remarking that you had a long journey before you—whereupon, you suited the action to the word and lengthened your face. Mr. Southard was prevented, solely by a mistaken direction of the road, from meeting you at Smock's, which he very much regretted. * * * Dabney has got an octave flute, and bids fair to be a capital performer; and Henry has got his drum mended, and bids fair, also, to make a great noise in the world, as Goldsmith says. * * Will you let me give you a hint? You are going to a newly-settled country—do you wish to make your husband and yourself *popular? Dress as plainly as possible*, and *conform, as closely as you can, to the manners of the place.* Any other course, especially fine dressing, and *haut-ton* manners, will excite only envy, criticism, malignity, quarrels and contempt. I wish you may believe the truth of this remark, and thereby save yourself the pain of a practical demonstration of its truth; *verbum sat sapienti* — and *to persons* of the opposite description no quantity

of words will be of any avail — "therefore, there needs no m
said here."

You have been remembered in our family prayers, this mo
my dear child, and we have united in calling down upon you th
tection and choicest blessings of heaven — which may God o
mercy grant! Heaven bless you.

Your affectionate father,

WM. WI

Mr. Jonathan Meredith of Baltimore, whose name has alrea
peared in one or two of the letters reserved for this Memoi
amongst the most intimate and cherished friends of the Attorne
neral at the Maryland bar, and was frequently associated with h
the trial of his causes. To that large circle of society, sprea
many portions of the United States, who have the privilege o
gentleman's acquaintance, I need not remark how congenial his
per and character were with those of the Attorney-General,
trust he will not think that I am invading any forbidden sanct
private life, in presenting him to my readers in his relation of a
and correspondent of Mr. Wirt, when I say of him, what thos
know him best are accustomed often to say, that no man is more
with the qualities to render social life amiable, graceful and el
than himself, nor has any one used these qualities more libera
appropriately than he in the performance of that duty. A
collection of the letters of Mr. Wirt, than it falls in with my pl
publish in these volumes, would furnish many evidences of the
santry, wit and humour which he drew from the treasury of his fi
They would supply still more abundant proofs of the high app
tion which each made of the other's friendship.—This by way
troduction to one of many letters, in my possession, between the

TO JONATHAN MEREDITH.

WASHINGTON, September 14, 1

MY DEAR MEREDITH:

Whence this heaviness that hangs upon you,
This lethargy that creeps through all your senses?
Why does your blood thus stagnate in your veins,
And whence this torpor that invades your brains?
Why does your pen no more your fingers please?
Why does paralysis those fingers freeze?
Have you become a numb-fish or a frog,
Oyster enamoured, or good old king Log?

Or, what the d——l is the matter with you, that neither entreaty civility nor blows, can drub or draw another syllable from you?

Will you have the kindness to answer the following interrogatories?—to wit—

1. At what time in October does the Court of Appeals meet?
2. Are you ready to argue our case?
3. Will it come on at the next term, and *will* you argue it?
4. At what part of the term will it be likely to come on?
5. Have you got a copy of the record?—for I have.
6. Have you made your notes in the case, and will you send them down to me? Yea or nay?
7. If nay,—shall we have any chance for a conference before the cause comes on?
8. Did you ever see such hard times?—Yet money seems to be plenty——in England.
9. Have you any intelligence of the likelihood of fees this fall, for yourself or me?
10. Can you lend me about twenty thousand dollars?—I name a low sum, to ensure success—a higher will be equally acceptable.
11. How do you all do?
12. Will you give my love to your wife and children?
13. (The good old continental number.) *Will* you write to me? Yea or nay?

Yours truly,

W. W.

POSTSCRIPT.—I had written, and was just about to seal this letter, when yours of yesterday arrived; for which I thank you. It answers several of my questions. But as it leaves some unanswered, I shall send this letter: more especially as I cannot afford to lose so much smartness. I am glad to hear of the decision in ——'s case. Truly glad. But this glory would have been brighter and more impressive, if it had come immediately on the back of the argument. * * In the name of common sense, who prepared that farrago of nonsense you have sent me as an argument!* * * I find it perfectly unintelligible. It was taken down by some person who understood neither the argument, the fancy, nor the wit. The attempt at the argument is the most stupid, unintelligible nonsense. The out-of-the-way things seem to be remembered in part, but they are so clumsily introduced, that whatever sprightliness belonged to them is murdered. In some parts, the joke is marred altogether, and you can scarcely guess whereabouts the joke was. * * * If they print this as my argument, I shall sue them for a libel. I would not lie under the immortal obloquy of having spoken so much non-

* An attempt to report the speech in the Church case.

sense for any earthly consideration. —— I have no disposition to be branded for a fool, either by malice or folly. Pray, prevent its publication.

Your friend,

WM. WIRT.

A new presidential canvass was now about to commence. Speculating on the result, which was most likely to be adverse to his wishes, and, therefore, to render his retirement from office entirely certain, Mr. Wirt was already debating in his mind his future course. Indeed, irrespective of the result of the coming election, he had resolved to withdraw from official employment, and to devote himself to practice in some new sphere. We shall see hereafter, that his choice was somewhat perplexed between New York and Baltimore. In the perspective he had a vision of Florida, which was a favourite location for some airy castles, which he had not yet ceased to build. There is some glimpse of this perspective view in the following letter:

TO MRS. LAURA H. RANDALL.

WASHINGTON, December 7, 1827

* * * * * * *

I think you will do well,—and I am so much delighted with every report that reaches me of the country, that I count sanguinely myself on settling a plantation and coming out to live. I have none of your horrors of a country life in a new country. Florida bids fair to be a perfect Arcadia. Such a climate!—Such a soil! Such productions, and such society as you will have in a few years! Can any thing be more delightful!

* * * * * *

How dull and monotonous Washington is, compared with the new objects that are continually meeting your eye!—the fine forests, the fine lands, the balmy genial air, the tropical-tinted birds, the alligators, the barking frogs, and all the other elegancies of nature's drawing-room. You must not despond, my dear child. Your uncles will have arrived before this letter, and all your despondency will be over—for —— will romp you out of it, and the rest of them will laugh you out of it. So, amongst you all, with the noise and the dust you will make, I have no doubt the frogs and alligators will feel themselves foiled at their own weapons, and will be quite chop-fallen with mortification:—though, I believe it is by the falling of his chop — the upper one—that the alligator inflicts mortification on others. Isn't that "*the worst!!*"

* * * * * *

Henry would be glad if you would send him one of those ponies—well-gaited one—in a letter. But you must make haste about it, for ıey tell me my franking privilege will soon be out, by the ejection : the present administration from office. So say the Hickory boys;—ut the lads of Clay* (instead of *wax*) tell a different tale. All I have) say about it is, that—"*Refert* and *Interest* govern the genitive—ı *refert patris*, it concerns your father—*interest republicæ*, it is the ıterest of the commonwealth." What? "Ay, there's the rub!"—and so, there needs no more be said here"—"for I verily believe, ate, thou wilt not tell what thou dost not know." "That's a poor)me off, father." "It is better than no come off, quoth Bridget"—: words to that effect. "Now, I don't understand this." Nor I, either. So, good night, for the clock is striking eleven, "and I am red:—quoth Gilpin, so am I."

* * * * * *

I go to Baltimore in the morning, and shall probably not return till ıe Supreme Court sits, the second Monday in January. So, you ill, possibly, not hear from me till the spring—so very busy shall I ?, as busy as a bee;—but not, "where the bee sucks."

Heaven bless and support you,

Your affectionate father,

WM. WIRT.

Judge Carr had retained his position in Winchester, as Chancellor, ntil the year 1824, when he was transferred to the Bench of the ourt of Appeals of Virginia, and in consequence removed his resi-ence to Richmond, where he continued in the discharge of these igh judicial functions for ten years after the period to which we have ow arrived.† During the present year, Wirt's friend and pupil, so miliarly known to my reader in this Memoir, Francis Walker Gil-ıer, finally sunk under a disease which had long impaired his consti-ıtion, and which now bore him to the grave, whilst yet upon the ıreshold of ripe manhood, and almost in view of the fame which had een the coveted object of a life of studious emulation. His last lite-ıry effort is one of the topics of the next letter.

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* General Jackson and Mr. Clay were already designated as the rival andidates for the next presidency.

† He died in 1837, leaving behind him the fame of an upright and learned udge, and of a truly good man.

TO JUDGE CARR.

BALTIMORE, December 30, 1827.

Thank you, my dear friend, for your Christmas letter! I heartily return all your good wishes upon your own head. I give you joy of your holiday. So, kick up your heels, and go "prancing and *menancing*" about, *ad libitum*.

As to me, the labouring oar has been in my hand, "*my dear fellow*"—as B—— used to say—ever since the fifth of October. I am at this present moment engaged in a cause, the Bank of the United States *vs.* Etting, quite as arduous as that we had at Richmond, of the Bank and Dandridge's sureties. Tug at it intensely! My dear sir,—I must—I am obliged. I have been trying to work *gently*, for some time past, and I die of *ennui* as soon as I unbend. No, I must be strained up to concert pitch, or there is no more music in me than in the drone of a bag-pipe. But I am not going to kill myself, "for a' that:" *festina lente*—"that's the humour of it." I am satisfied with being at concert pitch. Pinkney wanted to be an octave above it. Harper died of *angina pectoris;* Emmett of premature old age, brought on him by his troubles in Ireland. My standing, you think, "is high enough to satisfy any but a cormorant." Are cormorants remarkable for *high standing?* "Will you muzzle the ox, and turn him loose to whistle to the wind, and bay the moon for his fees?" If you would not, why should you advise me to a course by which my wife and children would starve downright? They cannot live upon *high standing*. My dear sir, I am fighting *pro aris et focis*. It is not fame, it is food and raiment; for soon the winter of age will come, when I cannot work at all, and what is then to become of my dear wife and children? It is *autumn* with me now, and soon it will be *the sere and yellow leaf*. I have no time to spare. Let me once get a plantation established for my wife and children in Florida, and then you shall find me as obsequious as a lamb,—

> "Pleased to the last, I 'll crop the flowery food,
> And lick the hand"—

no—not that, either. I should like to hear that same conversation of the Chief Justice. However, I will excuse you from repeating it, since you think there is danger of its making me a vain youth, and come to the conclusion at once that I am a great favourite with the Chief, as he certainly is with me, whether he likes me or not. I do not believe he has an atom of gall in his whole composition on any other subject than that of politics; or that, with him,—as with many other great men in the Union, who will never forget the fall that Mr. Jefferson gave them—*hæret lateri lethalis arundo*. Politics apart, there is not a better-natured man in the world than the old Chief—and a more powerful mind was scarcely ever sent upon this earth.

He ranks, in my estimation, with Mansfield and Thurlow and Hardwicke, the standards of judicial excellence—the classics of the bench. I concur entirely with you in your political views, as well as in your opinion of what relates to myself, on the hypothesis of a change in the administration. "Tremble at the idea of going to New York!" Why tremble? Men are but men everywhere, and I have in my time wrestled with as strong men as we shall ever see again, without getting my bones broken. None of your fun! You are as little apt to tremble, as any man living. Don't I remember you, at Louisa court-house, turning B. S. out of doors, "like a little red bull upon a sand-bank," as poor Billy Davenport, you know, said. Judge Thompson, of New York, is now at Barnum's hotel, and I am going down this moment to discourse him on this subject; so I will knock off 'till I come back.

—Thompson was not in — but it is now night, and he has been to see me, accompanied by another gentleman, so we could only talk in a general way. He says six, eight, and ten thousand dollars is considered great practice in New York, and ten thousand dollars the *maximum*; if so, it is not worth killing a man's self for. However, I will know more about it from D. B. Ogden, whom I shall see at the Supreme Court, before I decide. It will take a powerful inducement to carry me beyond the hope of renewing some of those bright and sunny hours with you of which you speak. "Soon, by the ordinary course of nature, will the grave separate us!" How soon? By the ordinary course of nature, if threescore-and-ten be the ordinary course, we have yet fifteen years to live. The Chief Justice is near twenty years ahead of us, and he has all the vigour of his faculties about him yet.

With regard to Butler's Analogy, have I mentioned it to you only once before? Why that's nothing for such a book as Butler, and no proof of old age at all. He is worth being mentioned and pressed upon you a dozen times. "Too abstruse and metaphysical." No, I think he has the deepest and clearest reach of almost any man I ever coped withal. There is something really sublime to me in the comprehensive sweep of some of his views. But we will not quarrel on this or any other subject.

* * * * * * *

A new edition of poor Frank Gilmer's Sketches and Essays will be out in a few days, and I have been pressed, busy as I am, to write a preface, which I have done, but so poorly that I am ashamed of it. Lucas, however, insists that it will have some effect in the sale of the book.

The mail hour has arrived. Love to all.

Your friend,

WM. WIRT

CHAPTER XIII.

1828.

FAMILIAR LETTERS. — PRESIDENTIAL ELECTION. — EXPECTED CHANGE OF ADMINISTRATION. — LETTER OF MR. MONROE, IN REFERENCE TO THE POSITION OF THE CABINET OFFICERS.

THE following letters require no comment.

TO WILLIAM POPE.

WASHINGTON, March 23, 1828.

MY DEAR POPE:

I am always behind you in our correspondence, both in quantity and quality. But you are a gentleman of leisure, thank Heaven! and I, a beast of burden. I thank Heaven too; both that I have a burden to carry, and that I am able to bear it. Though I frequently find myself in the condition of Issachar,—"Issachar is a strong ass, bowed down between two burdens:" — the Supreme Court being in one pannier, and the President and Heads of Departments in the other. But my health is good, and I find myself generally ready "to cut and come again." —— So much for good animal spirits, a clear conscience, and a total exemption from that canker, political ambition!

I am alternately diverted and disgusted with the scenes which are passing around me. Such working, toiling, and sweating; such mining and countermining; such lying, abusing, quarrelling, and almost fighting for a little short-lived distinction! —

> "Lord, what is man, poor, foolish man,
> Born of the earth at first;
> His life a shadow light and vain,
> Still hastening to the dust."

The same scenes were acting, I suppose, in Babylon and Ecbatana and Memphis, and Thebes, and Athens, two thousand years ago.— Where are they all — the actors and the scenes?

A man is bound to do all he can for his country. But, if his countrymen choose all to become Bedlamites, I see no good that can be done by committing himself to their maniac fury. So I leave these things to Him, "who holdeth the winds in his fist,"—"who can still the raging of the sea and the roaring wave of the multitude," — and am content to paddle my canoe along the smooth surface of a mill-

pond, well satisfied to catch my little mess of fish, and to eat them in peace, surrounded by the smiles of my wife and children. The craniologists say that the intellectual faculties reside in the front of the head, the passions in the back part, but that a full development of the organs of passion is essential to make a bold, daring, strong, enterprising character. They measured my head with their craniological instruments, and put down the relative proportions in their books. A young gentleman, the other day, made a drawing of my head from this admeasurement and gave it to one of my children. The organs in front were well developed,—those in the rear comparatively feebly. I have no great faith in the science, — but it answers, in my case, so far as the passions are concerned. So, you see it is in vain for me to enter the field of political wrangling. Nature made me for a man of peace, — and I am not disposed to disobey her behests. This is the secret of the prudence for which you give me so much credit. If they found that I stood in their way, they would abuse me as stoutly as the rest; but if I am never to get honours but by being rolled in the dirt, and rolling others there, too, I will do without them. This is my creed,—how do you like it?

I suppose you saw Governor D——, on his way through Virginia. He is a light-hearted, joyous fellow, and has gone home buoyant with the hope of fortune, by the culture of sugar and sea-island cotton. They are all sanguine on this subject in Florida, — and I think they have reason. But we have yet to see what lesson experience will teach. My two brothers and my son-in-law have turned into cropping might and main—and I dare say they all count upon being rich in ten years, and coming back, if they so please, to live among us in splendour. But where shall *we* be, ten years hence? Shall we be alive to enjoy them? Time has already thinned the ranks of our friends, and ten years more, it is to be feared, will leave few of us standing. But what of that? "Grieving's a folly," — so let us make the best of our time by mutual love and affectionate intercourse with each other, and doing all the good we can for ourselves and others. I should like once more to be with you, and hear you sing old songs and tell old stories. It would delight me to be at Montpelier once again, and recall the memory of joys long gone. I have had some happy hours with you there, my dear Pope, and I think if I could carry up Cabell and Carr and Bullock and Clarke, we could make the welkin ring yet. How does Lucy Ann come on? It is charming that she should have married so amiable and prudent a gentleman, who can relieve you from the charge of your agricultural affairs, and leave you to the enjoyment of *otium cum dignitate*.

I thank you for the perusal of Mr. Bates' letter. I have taken a great fancy to him. He is a true son of Virginia, with a warm heart and an excellent head. He made a speech in the Supreme Court, in a case from *Missouri*, which raised him much in the estimation of the

Judges and audience. I am always gratified when I see so good a fellow so clever a one, and I am pleased to find that in this case, as in most others, our good will is reci*proc*al, as Mr. M——, I think, used to pronounce it.

How is our old friend T.? He has been considered a dying man for more than thirty years, to my certain knowledge, and yet I believe he will outlive us all. Shall we ever have such another day with him as we had at Rock Castle with O'Reilly and Co.! That was a day of days. One of the "sunny spots" of our past life. I have some expectation of being again in Virginia this summer. The President of the Bank of the United States has written to me that he shall wish my services in Stevenson's case again whenever it shall be tried —and that, I suppose, will be about the last of May or the beginning of June. However, I shall write to Stanard to know the time more particularly. I promise myself the pleasure of seeing you if I come. Give my cordial love to dear Lucy Ann — her husband, I am sure, will accept my respects though personally a stranger. Mrs. Wirt and my girls join in love to you—and I need scarcely add that I am,

Always your friend,

WM. WIRT.

P. S.—Do you see Morris now? If you do, tell him that I wear him in my heart. He is one of my few elect.

By-the-way, Major Clark and Joseph Cabell are here. They fell in, casually, at my house, with four or five other gentlemen, on Friday evening last — and among them a gentleman who, on that day, had brought me a letter of introduction from Mr. Maxwell, formerly of Norfolk, now of New York. This gentleman is the Rev. Mr. King, who has been residing, for the last three years, as a missionary at Jerusalem, and has travelled a great deal in Egypt, Palestine and Syria. He speaks Arabic like a native—had an Arabic letter, which he had received since his return, from an Arabian convert, which he read first in the Arabic and then in English. It is very much in the style of St. Paul's letters—and in the beginning, has a beautiful tincture of the oriental imagery of Isaiah. He had also a beautiful little copy of the Koran, in the original Arabic, most exquisitely written and emblazoned with a pen, from which he *chaunted* long passages in the true Arabic tone, attitude and manner — for, being a holy book, they do not *read* it, as they do other books, but *chaunt* it in a low and solemn tone. I wish you had been with us. He interested us all extremely by his graceful and intelligent account of all those countries with which we have so many religious and solemn associations. They sat up till near twelve, listening to him, and to the joint music of the harp and piano, with which our girls closed the evening. These little *rencontres* and incidents do not often occur in the country, and I mention it because I think it may be amusing to you.

Farewell—and, once more, Heaven bless you.

TO MRS. LAURA H. RANDALL.

BALTIMORE, May 19, 1828.

MY DEAR LAURA:

Your mother has sent me your letter of the 27th ult. I am glad that my nonsense amuses you. On my own part, this same nonsense is a salutary expectorant, and I have always found it a capital preparative for a dry and close argument—a safety-valve, which lets off all my redundant steam before I am ready to set out; and as I have no fear of a scarcity of fuel, while nonsense is the only power required of me, I am not afraid of being too prodigal of my steam.

* * * Now, put on your considering cap, and tell me why nonsense is so pleasing, both to the hearer and speaker. I am not one of those who are prone to be

"Dulling delight by exploring its cause"—

but this is a curious matter, and I do not find my sagacity quick enough to detect the solution. I forget what Messrs. Kames, Blair and Co., say about the sources of enjoyment in ridicule. And, moreover, I don't care what they say; for they were all pretty much of "Sir Oracles"—good guessers, I must admit. But we can guess, as well as they. And as for you—you can guess as well at a moment's warning as upon a year's study:—a faculty, by-the-bye, which you did not derive from me; for I am a plodder.

Now, I am of opinion that the enjoyment of nonsense, both in speaker and listener, proceeds from gratified vanity. The speaker is gratified by his success, and the listener by his comparative dignity of understanding. This is a little in Rochefoucault's strain, who traces all our enjoyments, as well as virtues, to self. It is too true, as to the aforesaid Monsieur—*il avoit raison;* though the selfishness to which he traces virtue, leaves it, *me judice*, all its merit. Be this as it may: *vive la bagatelle* just now! *Carpe diem!* say I, and let us not trouble ourselves about what may happen to-morrow.

"Carpe diem, quam minimum credula postero,"

says Horace, who, in my opinion, was a most learned Theban in these matters.

This reminds me of a pun I heard the other day in ——. There is a gentleman there, who is otherwise very handsome, but with the misfortune of having a nose without a bridge;—nothing of a nose perceptible, except the inception between the eyebrows; a mere abortive proboscis. His other features are all fine—his eyes full of the fire of genius and sensibility. C——, who is a very fine fellow, as your uncle will tell you, was remarking in company one day, the noble expression of his countenance. "Oh, but that unfortunate nose," said a lady. "*Nose!*" replied C——; "if it had a bridge,

it would be very *passable.*" This may be as old as the hills, for aught I know, but it made me laugh vociferously. I would thank you to laugh a little, if you please.

* * * * * * *

In looking back upon this vagary, I find my over-nimble fancy has played me a trick, in the introduction of that pun, which is a palpable departure from the text, and proceeds from thinking faster than I write. The "Carpe diem" of Horace was properly leading me to Lord Exmouth's punning inscription on his flag, when he made his attack on Algiers, and which is said to have been perfectly understood by every sailor in his fleet.—"Carpe diem"—that is "seize the Dey:"—but no sooner did a pun come into my head, than my mind naturally capered off to —— and I got to my friend ——'s bridge without any road to lead to it. *C'est egal*—So *vive la bagatelle* again!—which, being rendered, signifieth "laugh and be fat." A proverb so full of wisdom that I wonder it escaped Solomon. In the small affairs of life there is no sense in grief. It is about as rational as crying because the wind blows from the east instead of the west. We are here in a stage-coach journey through life, and, instead of lamenting our annoyances and sticking pins in our fellow-passengers because they *scrouge* us—as poor Mrs. B. used to say—it is wisdom to make the best of it, and extract all the amusement we can from our companions—taking care always to be ready to give a good account of ourselves at the end of the journey.

* * * * * *

Your affectionate father,

WM. WIRT.

TO WILLIAM POPE.

ANNAPOLIS, June 24, 1828.

MY DEAR FRIEND:

Your letter of the 5th instant, covering a note for Chancellor Taylor, and addressed to me at Richmond, found me at this place last evening. I observe by the Richmond post-mark, that it lay in the office there 'till the 18th, when the direction was changed to Washington: it came thence, in a packet of other letters, by the mail of yesterday.

You will have heard, long before this reaches you, that the case of the Bank and Dandridge's sureties was continued on the defendant's motion—whereby I have lost a good fee and the anticipated pleasure of meeting you and my other friends. Such are "the best laid schemes o' mice and men." Whether I shall be able to go in the fall or not, I know not. The Bank and Mr. Stanard say I *must*. But the term at Richmond (22d November) comes into direct collision with the busiest time of the Baltimore courts, and at present I do not see how I can break away. Besides, who knows whether we shall be

alive then? We are, you know, tenants at will, or by sufferance, and may be removed by the great landlord, at pleasure, without any previous notice—and blessed is the man who is always ready to move at a moment's warning. Then again, if I shall be able to come, how much less interesting at that dreary season of the year will the visit be, than it would have been now. I wanted to see Lucy Ann's garden in bloom—more especially that "flower-woven arbour," where, like old Toby Philpot, we were wont to sit "as gay as you please."

"With a friend and a pipe (viz. the Chancellor's) puffing sorrow away,
And with honest old stingo a-moistening our clay."

It is true "the days are gone that we have seen." Yet I think we have still warmth enough about the heart to raise a breeze, if we could get together again with a few of our choice friends. We could, at least, "fight our battles o'er again," and, like Bullock's dying man, stop the joke until we could turn over on the other side for fear of laughing ourselves to death, at a story which we have heard a hundred times. Besides, you could get your old song-book out of the office, and sing us the Reveille through all the variations. I think I can see and hear you now—

"The lark was up the morning gay,
The drum had beat the reveille."—

Not forgetting—

"Here's to the maiden of bashful fifteen,
And here's to the widow of fifty."

"Oh, the days that we have seen!"—By-the-bye, did you ever hear General Minor sing that song of "Old Jerome?"—I think it would just suit you. Pray get it and learn it. It begins—

"Oh, the days when I was young,
When I laughed in fortune's spite,
Talk'd of love the whole day long,
And with bumpers crown'd the night."

I dare say you will find it in your old song-book, for it is as old as the hills; and if you are at a loss for the tune, I can send it to you; and Mr. D—— or dear L—— can play it off till you catch it. Some rigid anchorite might say, "What business have you old men with songs? you had better be thinking of your graves." But what sense is there in going moping along the road because we have a disagreeable inn at the end of the journey? Sorrow and trouble come soon enough of themselves, without forestalling, and I think with Sterne and his French vintner, that "a cheerful heart is the best grace"—

"What blessings thy free bounty gives,
Let me not cast away,
For God is paid when man receives,
To enjoy is to obey."

That is, to enjoy in innocence and moderation; and so I believe. That God who opens the spring season of the year with so much beauty, and such universal joy and rapture, cannot delight in seeing his creatures wretched. A heart innocently gay and happy is, I believe, the most acceptable homage that we can pay. Let such wretches as Judas Iscariot mourn and grieve and commit suicide. Why should we, whose great delight and almost sole employment is to make others as happy and joyous as we can, put ashes on our own heads and cover our loins with perpetual sackcloth? I am against it, sir; and do verily believe that grieving is not only a folly, but a wicked folly, too, and offensive to our Maker. So —

"Hurrah for the bonnets o' blue!"

We will play wig and dignity when the occasion comes. Meantime—

"March — march, Ettrick and Tiviot-dale —
All the blue bonnets are over the border."

My friend Meredith, of Baltimore, is my room-mate here. He is a very pleasant and a very good fellow; or, as he says, while he is throwing himself down on his bed to take an afternoon's nap, "a safe companion and an easy friend." I have read him two or three of your letters which have been occasionally received at this place, and he is quite in love with you. We have wished for you very often, and you would, yourself, be delighted here. The judges are, some of them, fine fellows. The Chief Justice of the Court of Appeals of Maryland (Buchanan), has his room separated from ours only by a narrow passage, and he comes in frequently to join us. He is as honest and noble-spirited a fellow as ever lived; full of fine feeling, manly, frank, and brave — and loves a laugh as much as you do. You would put him into convulsions, if you were here.

It is a pleasant bar, too; as merry dogs as you would wish to see of a summer's day. And Annapolis is a beautiful place. It is "a city built on a hill," which you know "cannot be hid." It commands a magnificent view of the Chesapeake Bay, to the east, and is surrounded with the most picturesque scenery of green rolling hills, deep clear rivers, bold promontories, winding shores and shady recesses. There are several fine bathing-places in the Severn river, and we have sheep's-head and soft-crabs in abundance every day.

The houses and the few remains of the old gentry remind me exceedingly of old Williamsburg; and the ancient chroniclers of the place have many a story to tell of the goings-on here in the days of Governor Eden. The memorials of the bygone times, with which the

place abounds, make me a little pensive and sentimental now and then. This is no objection with me, however, for I like a touch of the tender, even though found among the tombs. The capitol is a noble-looking building. It stands on the summit of the hill, and has a rotunda or cupola several stories high, in which you may mount two or three hundred feet above the level of the Bay, and look around on one of the boldest panoramas in the world. Seen from that height, the view of the Bay is *sublime*, and the view on the opposite side *beautiful*. So, there you may study Burke on the sublime and beautiful at pleasure, and see the finest illustrations of either by only turning your head. I wish you were here at this moment. But what is the use of wishing when the thing is impossible? And so let us be content.

How do you like the practice of the law in your old age? I confess I am getting tired of it. I have been at it now for six-and-thirty years, with the exception of two respites, to wit: four or five years of frolic and idleness when I first began, and eighteen or twenty months on the Chancery bench at Williamsburg, in 1802 and 1803; but I have been pretty hard at it for near thirty years, and now there is nothing new in it. I have no more fame to expect, and no more professional enjoyment to hope for. Yet I must stick to it, nolens-volens; and, since I am obliged to do it, I wish there was a little more of the *volens* in the case than I feel. Happy the man whose duty is his pleasure; but Heaven's will be done! I will try to deserve, at least, one part of Tom Bowling's eulogy — "faithful below he did his duty;" which I believe is the best pledge, after all, for "going aloft."

In my journey upwards, I should like to stop awhile upon the bench; but I am pretty well resigned to my fate, be it what it may. * * * * This subject, however, is too serious to be trifled with, and the mysteries that surround it are beyond the jurisdiction of reason. Happy is it for us, then, that revelation has come to our aid. Oh for

> "The wings of faith and arms of love,
> To bear us safely home!"

Good Doctor Watts! How often have I wished that I had been made such a man! His was scarcely an earthly residence; for his spirit seems to have been lifted into the seventh heaven. What a state of celestial existence! But if we were all like him, what would become of the business of life? Doubtless we are, all of us, necessary to complete the scheme of variety in the human family, and each man has his separate station assigned to him by Providence. With that let us be content, and act well our respective parts, nor sigh for the posts that have been allotted to others. This last is one of the commonest follies of man. I have not suffered it to trouble me much.

I have always been *too fond* of ease and quiet to have any taste

for political contention. The little that I have done, in that way, has been rather forced upon me than sought for by me. And as for what are called political honours, I would as soon put on the poisoned shirt of Hercules. In my opinion, the most miserable men in the world are those who are *enjoying* what are called political honours. It is a species of *enjoyment* which reminds me of the answer made by a man to a friend's inquiry after his health — "I thank you, I have *enjoyed very bad health* since I saw you last." These gigantic characters are pretty much in the predicament of another gigantic gentleman in old times, in a very elevated station. I mean him who was nailed to the mountain-side, with vultures to feed on his liver. As for me, give me peace and competency, with "wife, children and friends." I ask no more upon this earth. And I thank God he has hitherto given me all these blessings to my heart's content.

I find it very hard to quit your company, as you see. But I must take my leave and go to work.

Offer my kindest greetings to your family, and to my dear Morris when you see him. I love him deeply and tenderly. God bless him — and God bless you all!

Your friend,

WM. WIRT.

TO JUDGE RANDALL.

WASHINGTON, July 4, 1828.

MY DEAR SIR:

* * * * * * *

I find myself, at present, so pre-eminently blessed in my family, in all its members, that it sometimes makes me shudder lest my own unworthiness or some salutary castigation should make it necessary, in the councils of Heaven, to punish me with a reverse.

I consider the next five years as amongst the most important of my life, as they will, in all probability, settle, one way or the other, the problem whether I am to leave my family independent. All looks fair at present; and as I have some remains of my childhood's superstition about me, a flash of hope brightens before me from the omen of the day on which I now write to you. You will smile at this, as you were not exposed, in the years of your infancy, to the influence of the same legends which wrought upon me, and, possibly, have not the organs of ideality so strongly developed, or whatever else the organs are which go to make the compound of credulity and superstition. There is quite as much poetry as faith in the visions which occasionally knock at my door and find admittance and a night's quarters. But daylight and the realities of life send them on their business next morning.

* * * * * *

You have a touch of the passion for show about you. It is a gentlemanly feeling. I have had, all my life, a little too much of it. I don't mean too much of the feelings of a gentleman — but a little too much love for classical arrangement and embellishment — for graduating, turfing, *arbourizing*, shrubbery, &c., which, as I have always lived in town, has been expensive. And then, I have been all my life altering the adjustment of my houses, changing partitions, plastering, painting and varnishing walls, to give them a *lustrous* appearance, and adding other buildings: and then importing busts, purchasing pianos, flutes, harps, guitars, and all that sort of furniture — not forgetting the accumulation of antique, rare and high-priced books — all of which would have well beseemed a man of princely fortune, but have suited mine very badly. I believe it has had the effect of giving an elegant turn of mind to my children, to see these objects always around them.

* * * * * *

The natural beauties of your place, and those little embellishments of your grounds which will cost you nothing, will give full employment to your taste and your leisure time, for some years to come. During this time, I hope that your funds will be dammed up till the pool is full to overflowing. I advise you to live not simply within your means, but to live so far within them as to leave a broad margin every year; which, if you once begin, you will find to become a broader and still broader margin in each successive year. At the end of ten or twelve years, these margins, added together, will make a little principality, and enable you to do what you please. Beware of speculations; particularly such as are beyond your present means. Never go in debt on them. Beware, especially, of those bold and dazzling speculations on a great scale, which, under the promise of speedy opulence, end too often in ruin. *Ne festinas locupletari*, said the wise man of Greece; and no wise man ever said a wiser thing. The richest men generally become so by gradual accumulation: I mean the men who most safely become rich. Aladdin's lamp is a fiction, and even were it not, there is more than one hostile magician to be slaughtered before our success may be secured — magicians in the shape of treacherous agents, insolvent debtors, sharpers and speculators — and of crosses and disappointments, of which the world is full. Give me a man like our old friend Judge E., who, without making any noise in the world, has been going on adding a child and a new farm to his stock every year, for the last fifteen of his life; he and they are all well provided for, and even rich. While your splendid and showy men are everywhere writhing under pecuniary embarrassments, dying in despair and leaving their families in beggary. Young men, at your time of life, are not apt to think of these things, and the subject is likely to be irksome to them; but they who are wise *will not disdain* a lesson of wisdom from their fathers, and

will *lay it to heart and practise upon it* — as I am sure you will do. If I had a glass window in my breast, and you could have drawn a chair and sat down before it, and looked in — as Sterne says — as into a "dioptric beehive," and seen the anxieties that have been working there for the last ten years, on account of this retrospect of my lost time, you would not be surprised at the frequency and earnestness with which I press this subject on your attention.

* * * * * *

Yours, affectionately,

WM. WIRT.

These few fragments of letters give us some pretty distinct glimpses into that "dioptric beehive," the heart of the writer, and open to us interior views into the character of a man who, before the world, seemed, perhaps, a graver and more ambitious person than they unfold. This current of gaiety which runs so transparently through the depths of his mind, and which seems to mingle its waters even with its most earnest meditations, is never discoloured by an impure thought, but reflects at all times upon its surface an innocent and religious nature.

The months of August and September — the Attorney-General's usual term of exemption from business — were agreeably spent in a tour with some of his children to the Falls of Niagara, thence, by way of Lake Champlain, to Montreal, and back to Washington; a tour which furnished occasion for many pleasant descriptive letters to those he had left behind.

As the presidential canvass advanced, the demonstrations of popular opinion pointed more and more clearly to the probability, and even certainty, of the success of General Jackson. The party then in power regarded such an event as hostile to the political predominance with which they were associated. They foresaw that it must necessarily result in the establishment of a new political combination, and in the overthrow of that system of administration and party organization which was derived, through a lineal succession, from Jefferson and Madison, and had held the reins of Government through seven continuous presidential terms.

A question now arose as to the duty of the cabinet officers, in such an event. On the part of the gentlemen who composed the cabinet, I believe, there was no dissenting opinion, as to the propriety of their

own resignations. But this was, by no means, a settled opinion, at that time, in the country. The election of Mr. Jefferson, in 1800, presented the only case which yet had arisen for the establishment of a precedent, in the history of the Government; and that single instance was not deemed, by many, sufficient to settle the question. This would be the second occasion, if General Jackson should be elected, when there had been a party revolution in the administration of affairs. Mr. Jefferson's election put an end to the rule of the federal party — superseding it by one adverse in all points. General Jackson's election would do the same thing with the successors of Jefferson;—not superseding it, however, so distinctly, and with such specific antagonism, as in the first case, but still sufficiently so to present a question, whether the members of the existing cabinet were not placed under a clear obligation to withdraw from their posts by voluntary resignation.

Upon this question, I am able to present the opinion of Mr. Monroe, in a letter casually written to the Attorney-General, in the course of a friendly correspondence, whilst the issue of the pending election was yet unascertained.*

MR. MONROE TO WILLIAM WIRT.

OAK HILL, October 24, 1828.

DEAR SIR:

* * * * * * *

Whether the present administration ought to withdraw, in the event of Mr. Adams not being re-elected, is a question of great delicacy as to the members, and of interest, by way of example, as to principle. They hold their offices as others do, as servants of the public, not the President's. Their appointments do not cease with his. They are responsible, each, for the faithful performance of his duties. He, likewise, is reponsible for them. In this respect, there is a difference between our Government and that of Great Britain. In the latter, the minister alone is responsible. The office of the chief being hereditary, he is beyond the reach of impeachment. With us, both may be impeached—the chief and the ministers. They are also

* The practice of the cabinet on the point discussed in this letter, has been so decisively settled since that date, as to make it a matter of surprise that it should ever have been a subject for question.

his counsellors. In some views, therefore, they may be considered as holding an independent ground: that is, as depending on their good conduct in office, and not on the change of the incumbent. In others, the opposite argument appears to have force. When a difference of principle is involved, it would seem as if a change would be necessary. But where such difference does not exist, the danger is, by connecting the members with the fortune of the incumbent, of making them the mere appendages and creatures of the individual, — which may have, in certain views, in the progress of affairs, an unfavourable effect on our system. Whenever things get to that state, that measures are approved or disapproved by parties contending for power to promote the success of their favourite, principle is lost sight of, and the people cease to be sovereign—or rather, to exercise the sovereign power in a manner to preserve it. They become instruments whereby the basis of the system will be shaken.

Still, as the heads of departments are counsellors, and wield important branches of the Government, I do not see how they can remain in office without the President's sanction, nor wait after his election till apprised of his decision by himself.

This view is much less applicable, in every instance and circumstance, to your case than to the others. Your duties are different. The President has less connection with, and less responsibility for the performance of them. Your standing is, likewise, such, — nothing unfriendly having occurred between you — that I should think he (General Jackson) would wish to retain you.

* * * * *

Your friend,

JAMES MONROE.

CHAPTER XIV.

1829.

GENERAL JACKSON ELECTED. — STATE OF PARTIES. — WIRT REMOVES TO BALTIMORE.—CHARACTER OF THAT BAR.—LETTERS TO CARR AND POPE.—CHANGES AT WASHINGTON.—IS CALLED TO BOSTON ON BUSINESS.—TRIALS OF CAUSES BEFORE THIS IN PHILADELPHIA.—PARTICULARS OF HIS BOSTON VISIT IN LETTERS TO HIS FAMILY. — HIS RECEPTION IN BOSTON. — HOSPITALITY.—THE INTEREST TAKEN IN THE TRIAL.—LETTERS TO CARR AND POPE ON THE SUBJECT OF THIS VISIT.—HIS OPINION OF NEW ENGLAND CHARACTER COMPARED WITH VIRGINIA.

THE election terminated in favour of General Jackson. He was inaugurated as President of the United States, on the 4th of March, 1829. On this day the democratic party, which had been predominant in the administration of the affairs of the general government for twenty-eight years, surrendered its power into the hands of that new party which had been brought together by the popularity of the hero of New Orleans. The new party was a miscellaneous one. It embraced all that portion of the federalists who were anxious to come into power,—by no means a small host.—It absorbed a large number of the young politicians who had grown up to manhood during the period of General Jackson's military career. It attracted and embodied such portions of the masses of the people, as conceived the chief magistracy to be an appropriate reward for distinguished military exploits—always a large number of persons in every government. The leaders in this combination were eager and practised politicians, bred in the schools of both of the parties which had heretofore divided the country. Their political creed, therefore, was various, according to the school in which each had been educated; but it was accommodating and sufficiently held in the back-ground, to enable it to await events. The opinions of the chief himself were so far indefinite as to give each section of his party hopes of finding it an easy matter to comply with his taste in respect to measures. Old democrats and old

federalists were united in his cabinet, without any visible contrariety of position. It was an era of surrender and compromise of old antipathies, with an implied promise of silence, for the future, on old topics. By-gones were to be by-gones. The destination of the party was to be settled hereafter. Its principles and measures were to be left to the chapter of accidents. For the present, all differences were submerged beneath the General's unbounded and unparalleled popularity. This was the condition of that new party which had just overthrown a political domination of twenty-eight years, and which was fated itself to be overthrown in twenty years more.

The democratic party, on the other hand, was also destined to witness some changes in its organization. It necessarily became the recipient of all those who could not fall into the ranks of the new party. The country instinctively takes sides. Those who cannot consort with a new administration, associate themselves with those who oppose it. Where every man must vote, the suffrage that cannot be given for those in power, must be given for those who are against them. When there are but two parties, this is inevitable.

Under the influence of this necessity, that portion of the federal party, which could not follow their brethren into the ranks of General Jackson, dropped into the ranks of the democrats. In this strange re-combination of old elements, the former party names were laid aside. The democratic party, with its new allies, thenceforth took the name of National Republicans. Those in power called themselves Jackson men. The course of administration, in a few years afterwards, was such as to awaken all those ancient jealousies which had roused the spirit of the whigs of the revolution. From that era the democratic party resumed its oldest and most cherished designation, and came forth once more, in full organization, as the Whig party;—in which name it has now triumphed:—in which name, also, it won that short victory of a few months, sadly memorable for the first funeral and the first defection in the White House.

The Jackson party was also compelled to seek new designations. In due course of time it became the Van Buren party; and as that was of a nature even more fleeting than the last, it was accounted a rare piece of good fortune when it stumbled upon the name of "The Democracy," which lay derelict by the way-side. Neither parties

nor individuals are apt to be over-scrupulous in assuming titles which may turn to profit—however little they may comport with the character of the wearer. In a state of war, especially, titles are often assumed which denote the very opposite of the true character. Thus it has fallen out, at last, that they who made battle against and overthrew the democratic party, have, with the other spoils of victory, seized and worn the very name itself of the vanquished.

—But this topic better belongs to political history. I have referred to it here, in this casual way, only because it is connected, at this era, with the personal history of the subject of this Memoir, and is called up to our notice by some of the letters of this period.

Mr. Wirt looked without regret to the termination of his public employment. As he grew older, the labours of his office became more irksome. He longed for the opportunity of a more exclusive devotion to his profession. In the arrangement of his plans for the future, his attention was divided by a choice between a settlement in New York or one in Baltimore. Strong inducements were offered to him, in the representations and persuasions of friends, to select the former city as the place of his future practice. Other counsels, however, outweighed those, and he determined upon Baltimore. Thither he removed his family, in the month of April, to make a permanent home.

His practice in that city was always large, and was increasing. The bench and bar were very much to his liking. He became intimately associated with them, and found amongst them many valuable friends. He had several times spoken of them, with great unction, in his letters to his friend Pope—more than one of these letters my readers have seen. The members of this professional brotherhood were, to an extent not usual in larger communities, social in their habits, familiar in intercourse, droll and sparkling in their convivialities, scrupulous in professional courtesies, and strongly tinctured with the exclusive and racy spirit of their clique—in all which points they presented potent attractions to the congenial temper of their new associate.

The Baltimore bar, at that date, exhibited in its composition a somewhat remarkable aspect. It had but very recently been distinguished by an extraordinary assemblage of the highest order of talent:—men who, singly, would have shed lustre upon any professional assemblage in the country, and who, united on this theatre

composed a constellation which attracted universal notice. Luther Martin, William Pinkney, Robert Goodloe Harper, Roger B. Taney and William H. Winder, were all names of commanding eminence. William Wirt came in amongst these to add new radiance to a galaxy already of the brightest. For a season, they were all contemporaries; but for a brief season only. Nearly all these lights went out together. Of the six, Mr. Wirt and Mr. Taney were all that remained within the year of Mr. Wirt's settlement in Baltimore. A younger generation stood behind them. A long interval, we may say without depreciation of the merits of the successors, separated the present from the past. Meredith, Johnson, Glenn, McMahon, Mayer, and others kindred in character and ability, were, comparatively, young men and were now to step into the places of their file-leaders who had fallen in the battle of life. That column has since advanced to occupy an honourable ground in the van of a large array of talent and worth. Mr. Wirt and Mr. Taney stood amongst them and at their head,—instructors to guide, models to be imitated, gifted with all qualities to stimulate the ambition of generous minds striving after an honourable fame. It could not be otherwise than that such a connection, engendering love and reverence from the one side, should awaken affection and esteem, somewhat akin to that of fathers, on the other. To Mr. Wirt, now no longer a stranger, this connection was inexpressibly attractive. He loved the fellowship, with which he was united, and pursued his labours, in this field, with a cheerful devotion which showed how much those labours were lightened by the pleasure that fellowship afforded.

We recur now to the letters.

TO JUDGE CARR.

WASHINGTON, February 28, 1819.

MY DEAR FRIEND:

I never saw your kind letter of the 21st till about ten minutes ago. It must have arrived from the office during my absence from my house at the Capitol; and, amongst several other letters, was put aside, and in the *hurry-scurry* in which we are now passing our time, forgotten until accident brought it to my view a few moments ago.

I would not have you believe me capable of neglecting for a moment so kind a letter from so beloved a friend—nor that I am affecting Lord Bolingbroke's sentiment, that "in my prosperity my friends shall

always hear of me; in my adversity, never."—In truth, I feel no adversity—no diminution of prosperity, no depression of spirits, mind, body or estate; on the contrary, I feel that a barren mountain is about to be taken from my breast in this oppressive office,—barren of every thing but the mere honour, of which I have had enough, and which, thank God, I have not tarnished.

Pinkney and Emmett both died "with harness on their backs,"—and if I were to continue to bear the conjoint burthen of duties of Attorney-General and private practitioner, I should probably do the same. I am, therefore, greatly relieved by getting rid of one-half of the burthen, and trust confidently that I shall be able to carry the residue with more glory than ever, and without sinking under it. In the martial exercises of Greece and Rome, you know, they carried heavier armour than it was necessary for them to bear in actual war, that the latter might seem, and in fact be, comparatively light.—So I hope I shall find it.

* * * * * *

My wife, on a full view of the whole ground, gives the preference to Baltimore. She is delighted to get away from the threatening storm and from the new association here—and my children are all reconciled to it. I have, thank God, a happy, innocent and most affectionate family, and I have every prospect in a few years of placing them in independent if not affluent circumstances. I am bright and buoyant with hope, and shall meet the spring of the year with all its own appropriate gaiety and cheerfulness. As Erskine said, when they turned him out of the office of Chancellor, "I am much obliged to them, for they have given me, in exchange for a dog's life, that of a gentleman." I have greater confidence in that God who has never forsaken me, even in those headlong moments of my life when I have forgotten myself;—and in addition to this, with so much on earth to cheer and support me, such a family, such friends, I should be a poor wretch, indeed, to despond. God willing, you shall hear of me in time to come to my advantage.

But you must continue to write to me.—For three-and-thirty years your letters have had more influence on me than those of any other man. Your conversation, your letters, your friendship, your encouragement, have always acted on me like charms. I confess that I am constitutionally weak enough to require to be told by my friends that they approve my course. I am dog or cat enough to love them to pat me on the head, and call me a fine fellow. I have been used to this sort of petting, and it is sweet and cheering to me. I believe that if they were all to quarrel with me, and break off from me without cause, (and I will take care that it shall be without cause if such a calamity shall ever befal me,) I have pride and manhood enough to bear me up with a high head; but I should much prefer not to be put to the proof—and you, I am sure, are not the man who will ever for-

sake me. "We clomb the hill thegither"—and we now totter down, and will "sleep thegither at the foot, John Anderson my Jo."

* * * * * *

This is the last letter I shall ever frank to you as Attorney-General. We hope to be established in Baltimore in April or May at the farthest. Heaven bless and prosper you!

Your true and ever devoted friend,

WM. WIRT.

TO WILLIAM POPE.

WASHINGTON, March 22, 1828.

It was my intention, my dear friend, to write to you by Mr. Archer, but I was so much pressed by the Supreme Court, about the time of the rising of Congress, that I could not find a moment for friendship.

My health was nearly broken down at the commencement of the court, for it followed immediately on a long and hard campaign which I had in Baltimore, and the double duty of preparing both for my public and private causes. A short respite restored me, and some of the hardest forensic battles I ever fought, have been since my recovery. I am now as well as ever, and buoyant with even youthful hope and expectation.

The office I have held for the last twelve years, I have filled without discredit to my country or myself—I hope with some honour to both. I leave it without a single reproach even from my enemies—if I have any,—and with the respect, I might say the affection, of the Supreme Court.

* * * * * * *

The General, I fear, is in the hands of two or three most miserable advisers:—private and not official advisers, I mean. Some of his appointments for the cabinet have astounded the more enlightened part of his political supporters.* One of them has been heard to say —"this is 'the Millennium of Minnows.'" McL. of Delaware is reported to have declared that his political life was closed—that he should resign his seat in the Senate;—John Randolph, that he should throw up his commission in the line. I see that he has since declined a re-election.

* Without designing to cast an injurious reflection upon any member of that cabinet, I am enabled to make, at least, one exception from the partial disparagement implied in the text, by the following extract from a letter of Mr. Wirt's, written to a friend a short time before the organization of the cabinet—in which he says, in speaking of his prospects of future practice in the Supreme Court,—"As to the Supreme Court, if Jackson appoints a splendid fellow for Attorney-General—Mr. Berrien, for example—he will diminish the attraction of that court very much by taking away a great part of the bone of contention."

* * * * * * *

It is matter of relief both to my family and myself to get away from such a scene of contention and confusion. I shall feel prouder and happier in the rank of a private gentleman than I have done here for the last four years. * * The more I see of public life the more sick I become of it, and the more deeply I am convinced that all is vanity and vexation of spirit beyond the happy domestic and social circle. I am blessed in my family, blessed in my friends: I have a well-founded hope of leaving those who are immediately dependent on me provided against want, and of dying, as I have lived, esteemed and beloved by those whose esteem and love I prize above all earthly possessions.

* * * * * *

I shall have a busy summer, for I have to argue a cause in Boston, about the twentieth of June, and must hurry back to the Court of Appeals in Maryland. I am not likely to rust from inactivity.

* * * * * * *

How comes on Montpelier?—Have you any fun afloat? How does time sit on you? Lightly, I hope, as ever. Old age could scarcely be said to have reached you when I saw you last — for your life has been perpetual youth, like the constant spring of the tropics, — fruits and flowers flourishing on the same tree in endless succession.

Thirty-one years, man and boy, have we known each other,—and I have seen in you no variation nor shadow of turning. Time and death seem to be disarmed by your kind and cheerful heart, and are reluctant to spoil your sport. May you flourish in immortal youth, "unhurt amidst the war of elements, the wreck of matter, and the crush of worlds!"

* * * * * * *

Virginia will ever be dear to my heart, — settle and die where I may. I love the State and the people. Men are there far dearer to me than any others I can ever know. They are such as I shall not encounter again on this side of heaven. It is not choice, but fortune, that separates me from the State.

* * * * * * *

But life, my dear friend, will soon be over with us both, and we shall have to try another scene of things. Yet, my spirit does not darken at all,— for God is merciful, — and my sins have been follies, not crimes.

* * * * * * *

Your friend,

WM. WIRT.

Mr. Wirt was now about to test his professional reputation upon a new and distinguished theatre. In his letter to Mr. Pope he an-

nounces, as we have seen, that he was engaged to try a cause in Boston, in June. He was not altogether unused to appear before tribunals out of the range of his ordinary practice. In the years 1826, '27 and '28, he had been employed by the Government to aid in the argument of some important causes in Philadelphia, which had acquired celebrity throughout the country from the magnitude of the interests involved, as well as from the extraordinary character of the facts. The profession will remember them, when I say that they grew out of a seizure, by the Government, of a cargo of teas alleged to have been irregularly imported. The Attorney-General took a leading part in these trials, and won for himself new forensic honours, in the estimation of the astute and intelligent bar in whose forum the cases had been disposed of. He had occasion to allude to this in a letter to his friend Pope. Speaking of the unfavourable impression which had been raised against his professional character by the publication of his few literary works, and alluding particularly to the British Spy and the Old Bachelor as "recreations, written merely for the newspapers, in which they were first published," he said:—"They have certainly contributed to impair my reputation for strength of mind, and to fix on me the character of a flowery declaimer. In Philadelphia,"—he added—"the lawyers made no bones of telling me that they expected only a siren song, and had heard a powerful argument. It was the same thing in Baltimore, when I first came here; and so it was in Washington. So that I brought a bad forensic character with me, and I have been struggling, ever since, to overcome it by giving up rhetoric and sticking to logic and to law. I have reason to believe that I have succeeded, wherever I have appeared, in bettering my character somewhat as a reasoner and a lawyer."

He was now to bring the opinion, expressed in this extract, to the ordeal of a rigorous criticism in a distant court, where, it may be believed, the professional judgment was not likely to be swayed by personal favour—nor yet rendered unduly severe by foregone prejudices. Where, in fact, the lawyer would be very likely to be measured by his merits.

The Boston case in which he was employed was that of Henry Farnum, administrator, *de bonis non*, of Tuthill Hubbart, against Peter C. Brooks. It was a case upon a bill in equity, brought before

the Judges of the Supreme Court of the State, involving an investigation of a long train of accounts, and as little likely, perhaps, to enlist interest beyond that of the parties immediately concerned in the issue, as any case on the docket. Mr. Wirt was employed for the plaintiff, assisted by Messrs. Nicols and Rand. The opposing counsel was Mr. Webster, with Messrs. Warner and Gorham for his colleagues.

This is an outside view of the field of battle and of the array of the parties.

Mr. Wirt had not yet made himself entirely at home in Baltimore, in his new establishment, before he set out on his journey to Massachusetts. As this visit was a somewhat notable event in his life, and as it brought him many new and strong impressions, I shall make a free use of the letters written, during his absence, to his family and to other friends, so far as they may enable me to present the more prominent objects which occupied his attention amongst the many which contributed to his gratification.

On the 11th of June he was in New York. Having so recently entertained a purpose of making this place his home, his attention was naturally drawn here to the observation of one of the courts in session. He had a day to spare, and a friend furnished him the opportunity he desired. Our friends in New York will smile at the disappointment he encountered. Perhaps things are better now. He writes to Mrs. Wirt:—

"Judge Hoffman, who was sitting alone, invited me on the bench, which I declined. They gave me a cushioned chair on the floor. I was curious to see a New York court in operation. It was an exceedingly poor spectacle:—a poor room,—miserable arrangements,—the lawyers huddled together at miserable little tables. Such a jumble of petty confusion I never saw, even in the poorest county court-house among the mountains of Virginia. We are princes in Baltimore, in the comparison. They had commenced the trial of the cause in hand two days before, beginning at eight o'clock in the morning and adjourning two hours for dinner. They had resumed the session that afternoon at five o' lock, and were to sit all night,—the judge said,—or 'till the cause was ended. They, perhaps, sat last night 'till ten or eleven. O—— told me his fee would be one hundred dollars. What a business! I should expect two or three hundred, at least, in such a case. I was not much smitten with the spectacle—and less with the rate of fees. So, as at present advised, I shall stay in Baltimore."

TO JUDGE WILLIAM H. CABELL.

Boston, June 14, 1828.

My dear Cabell:

* * * * * * *

I got here the evening before last. Boston, seen in the approach and with all its Revolutionary associations, is the most beautiful and interesting picture I ever beheld. New York is not to compare with it; even our beautiful Richmond, dearly and tenderly as I love it, sinks under the comparison.

I walked through the town last night, with Webster, by moonlight, and was quite overwhelmed with the air of wealth exhibited in the vast number of granite and brick palaces which abound through the place. We went to see the famous Faneuil Hall. How my breast swelled at the recollection of the scenes enacted there! Especially that powerful appeal of Quincy's which Marshall gives us, beginning, "Mr. Moderator, it is not the spirit that vapours within these walls," &c. Do read that speech, and tell me if it does not beat Logan in eloquence.—

—There go the church-bells! What a number, and variety of note, and distance, from every quarter of the town! It is a famous place for bells and music of all kinds, from Yankee Doodle to Old Hundred.

* * * * * *

This is certainly the most hospitable place in the world. I arrived here two evenings ago at six, when visiters began to call, and continued to do so after I went to bed. All yesterday they were coming, 'till I had to say at the bar, I was not at home. Then came cards and invitations to dinner and evening parties.

"What am I to do with all these, Mr. F.? (my client.) How am I to answer all these invitations?"—"You will please to say, sir, that you are private property 'till my cause is over." I took him at his word, and wrote that as my apology, which I showed him. "Very well, sir,"—said he—"I will endorse it."

To day is Sunday, but visiters are still calling.

* * * * * *

They must wait until I have done with this cause. It is an old insurance account, of forty years standing, and I am following the explanations of one of the truest-nosed beagles that ever was put upon a cold trail. He is a fine fellow, as true as a rifle; and it is quite a curiosity to see him threading these old mazes.—I shall have a hard heat in the cause. The trial commences on Tuesday. I am brought here to combat Webster on his own arena—and I think I shall gain the day, which will be a great triumph. Having grappled

with my adversary before, I know his strength and all his trips.—It is a good way towards victory to feel undaunted. My health and spirits are uncommonly good.

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Yours, affectionately,

WM. WIRT.

TO MRS. WIRT.

June 15, 1829.

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"Everybody is exceedingly kind.—I have not returned a single visit yet, except Blake's and Webster's. Webster receives and treats me with a kindness and cordiality that cannot be exceeded. Dabney Carr himself could not receive me with more assiduous attentions. His manner is plain, warm, and cordial, without parade. He is in my room two or three times a day. Otis has been twice with me, pressing me to dine with him. Judge Story insists that I must go to Salem to see him. My cause begins to-morrow, and will last a week. I have been employed in another case in the Supreme Court.*

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June 21.

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"Our adversaries opened their case yesterday in a speech of six hours.

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"I have an exceedingly tough cause of it. The court, I fear, is against us. The case is intrinsically very difficult, complicated, and extensive, and is a very severe task. I am pursuing it with great labour.

* * * * * *

"What shall I say of these people, from whose kind hospitalities I have to beg for quarter till my cause is over I have never received such a profusion of attentions anywhere in my life. I have not yet returned a visit nor accepted an invitation. I must stay two or three days, after my argument is ended, to give some evidence of my gratitude, at least, by returning my visits. And I must run down to Salem to see Judge Story.

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"Webster speaks to-morrow in this great cause. I, on Tuesday, I suppose. Mr. Adams is hourly expected. I must go to see him at Quincy."

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* He was retained at this time in the Warren Bridge case.

June 28.

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"I have told you how kind Webster has been to me. He praises my speech. 'Our people thought highly of you,' — he told me — 'but they had no idea of your strength. The judges have spoken on the subject, and expressed their gratification. You will carry back a far higher reputation than you brought with you. You have taken wonderfully with all our people,' &c., &c. All this was so warmly and earnestly said, that it made me love him. I thank God for bringing me safely out of what I thought a most trying situation. I went to court on Wednesday with more despair than I ever entered a court-room in my life. I would have given any sum in my power, never to have come to Boston. I was worn out by the week's trial, prostrate, nerveless: and so crowded was the room with ladies and gentlemen, that I could scarcely get in. You would have pitied me, if you had seen my sinking heart. And yet, in a speech of five hours I was never better satisfied with myself. Such vociferous plaudits!

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"When I had finished, Mr. Brooks, who was the defendant against whom I had been trying the cause, came to me at the bar, and, taking my hand, spoke to me in the kindest terms, expressing his high satisfaction at my demeanour towards him during the trial. His friends have been amongst the most attentive persons to me. My clients, on the other hand, are delighted."

* * * * * *

Mr. Wirt remained in Boston several days after this trial. His sojourn there was marked by every manifestation of kindness which the well-known hospitality of the city could supply. The newspapers were full of encomium of his eloquence, his legal learning, his exalted professional deportment. Every honour that could be showered upon a private citizen, by private courtesies, was heaped upon him. These demonstrations of esteem very sensibly affected him. It was the first opportunity he had ever enjoyed to witness and appreciate the high cultivation, refinement and elegance, and especially the genial social virtues, of New England. We have seen, in the earlier pages of these memoirs, what crude and false notions he had adopted, in regard to the characteristics of the people of the North. He then spoke in the language of that absurd prejudice which was almost universal, south of the Potomac, in its tone of depreciation of a people whose many admirable qualities, both as communities and individuals, were strangely

unknown to ninety-nine out of a hundred of those who passed judgment upon them.

His few journeys, of late years, into New England, had disclosed to him how little he had understood the character of this great and prosperous community, and had, as might have been expected, entirely dissipated those illiberal conceptions in regard to it which had so long retained their ground in the Southern States;—which, indeed, are not yet wholly eradicated. The present visit to Boston had given him further insight into the texture of this society. It had opened to him a near view of a community which, whether considered in its political structure, or in its social or individual elements, is unsurpassed—perhaps, we may say, unequalled in the world.

He returned to Maryland, if not a wiser and better man, by the experiences of his journey, certainly better furnished by them with pleasant recollections and delightful pictures, with which to recreate and delight his mind for the remainder of his life. The scenery, the historical associations, the people, the pursuits of New England, and the elegant hospitality of Boston, fascinated his imagination, and became the constant themes of praise to his friends.

In the first moments of his leisure, after reaching Maryland, he wrote the following letter, which recurs to the visit in a tone of self-gratulation, appropriate only to the ear of friendship; but the more worthy, on that account, of our perusal.

TO JUDGE CARR.

ANNAPOLIS, August 3, 1829.

MY DEAR FRIEND:

I write without being certain where this letter will find you.* But I shall direct to Winchester at a hazard. The date will inform you that I am not quite so much of a freeman as you are; for I am here engaged in a tough controversy between the Chesapeake and Ohio Canal and the Rail Road Company of Baltimore. We have now been at it for a fortnight. * * * So that here am I, in the tug of war, this hot weather — while you, "*recubans sub teg-*

* Judge Carr, as we have seen, was now a resident of Richmond, but as he had many friends in Winchester, where he had dwelt so long, he was still in the habit of spending a part of each summer in that section of Virginia.

mine fagi," are quaffing the mountain breezes—and probably Bedford water—and, for aught I know,

"Formosam resonare doces Amaryllida silvas,"

that is, if there be an Amaryllis amongst your grand-children.

But I can envy you no happiness, my dear friend. My only regret is that I cannot share it with you.

* * * * * * *

Sometimes I begin to think that labour is going harder with me than it used to do, in our younger days. But when I come to think more closely and candidly of the matter, I am obliged to confess that labour did always go hard with me, and that it liked me not. I was even with it—for I liked it not, which, I believe, means the same thing. The only difference is, that I am more tired of work than I was in the beginning. Not that my faculties are impaired, but that it seems to me now very much like "the dog returning," &c. I do not say "the sow returning to her wallowing in the mire"—because she always does so *con amore.*

I find that there is much more trouble and less pleasure in supporting a reputation than in gaining it. In gaining it, there is nothing behind at stake. An obscure young man cannot lose, but may gain, and all is bright and alluring in the prospect. But when a man has reached his summit, he puts his all at stake at every cast of the die. A single failure, it is true, may not hurt him amongst those where he is well known, as it will be set down to accident. But it is different when one goes to a new place—as I have lately done, in my trip to Boston.

My chief comfort in that expedition was that I believed I was regarded in the North generally, as little more than a florid declaimer, and that, if I made a creditable exhibition of good reasoning powers, I should save myself and come off very well. So, in the argument of my case, I reasoned as dry as a seasoned stick. But there was something in my manner, perhaps, to which they were not accustomed, and my dry stick was thought to be a budding and flowering rod, like the wand of Aaron. That opinion brought me off with flying colours.

Have you seen any of the hundred puffs they gave me in the papers? But, if you had seen them all, it would hardly have given you a just idea of the regard which was shown me. You know I have never had an ambition to be set up for a lion. Yet they seemed to think me such an animal, and treated me accordingly, until I was absolutely ashamed of myself.

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Still, as there would have been an apparent vanity in showing myself conscious of the light in which they regarded me, I could offer no resistance.

* * * * * *

If I were to tell you one-half the fine things that were said to me, and of me, in my hearing, you would think me the vainest dog extant. Yet I know how much gratified you are to hear me praised.

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Now, after all this, you will not be much surprised to learn, that I think the people of Boston amongst the most agreeable in the United States. I suppose their kindness to me may have some effect on my judgment;—but, divesting myself of this, as much as possible, I say they are warm-hearted, as kind, as frank, as truly hospitable as the Virginians themselves. In truth, they are Virginians in all the essentials of character. They speak and pronounce as we do, and their sentiments are very much in the same strain. Their literary improvement, as a mass, is much superior to ours. I expected to find them cold, shy and suspicious. I found them, on the contrary, open, playful and generous. They have no foreign mixture among them,—but are the native population, the original English and their descendants. In this, too, they resemble the people of Virginia, and, I think, are identical with them. They are, in republican principle and integrity, among the soundest, if not the very soundest of the people of the United States.—Would to Heaven the people of Virginia and Massachusetts, knew each other better! What a host of absurd and repulsive prejudices would that knowledge put to flight! How would it tend to consolidate the Union, threatened, as it is, with so many agents of dissolution!—My heart is set on bringing about this knowledge. How shall I effect it? If I write I shall be known, and be supposed to have been bought by a little kindness and flattery. * * I believe the prejudices are all on our side. The people of the North resent what they suppose to be the injustice of Southern opinion. Let them have reason to believe that we regard them with respect and kindness, and they will not be slow to give us theirs. I found it so in my own person.—And so, I believe it will be found by every man of sense from the South who visits them. What a fool have I been to join in these vulgar prejudices against the Yankees! We judged them by their pedlers. It would be as just if they were to judge us by our black-legs.

* * * * * *

I look upon your situation with great pleasure. In the retrospect, you have, to be sure, losses and privations to mourn,—but these are inseparable from the lot of life; and grief for the past is unavailing. Looking to the present, how happy is your situation! What an honoured retreat have you found for your age! A respected Judge of the highest court of the State,—your daughters happily settled,—your own circumstances at ease,—your ambition, I presume, satisfied. What a quiet and honourable haven!—and most richly deserved,—"an it were a thousand times greater." Nor, can I complain

have gained all and more than all the distinction I have deserved, I am now in the worldly eye at the top of my profession,—and in a swimming practice. What gratifies me most is that I am accounted an honest and virtuous man. This is the crown of old age. With the blessing of Heaven, my sun shall set without a spot.

* * * * * * *

I have sometimes thought that with prudence, industry and exertion, I might have earned a higher reputation in literature, and written something worthy of preservation. The Boston people say, in their newspapers, that my writings do not afford an advantageous view of my taste and talents. They are probably right. But this is the fault of haste and indiscretion. I ought either never to have written, or to have written more carefully. But enough of myself, and of everything else, at present. My best love to your household.

Your friend,

WM. WIRT.

In a letter to his friend Pope, soon after this, Mr. Wirt gave him a long account of his journey and its incidents; and took occasion to expatiate upon that topic which seems so much to have engrossed his thoughts at this time,—the resemblance between the native population of Virginia and that of Massachusetts. This resemblance has often been noticed by others. The reader may be amused with some illustrations of it given in this letter.

"I am, by no means, prepared to admit"—he remarks—"that the comparison would be against New England, in regard to this same delicate tact and refinement of manners. Let me give you two anecdotes which will show you the deportment of each of the sexes.—

"Do you remember Bishop Madison, formerly the President of William and Mary? You will remember his gentleness of spirit, and the kindness and courtesy of his address. You have never seen him recover himself from one of those embarrassments into which his affability sometimes betrayed him, with more delicacy and address than President Quincy of Harvard did on the occasion I am about to relate. He happened, when I made him a visit, to ask me in what college I had graduated. I was obliged to admit that I had never been a student of any college. A shade of embarrassment, scarcely perceptible, just flitted across his countenance — but he recovered in an instant, and added most gracefully — 'upon my word, you furnish a very strong argument against the utility of a college education.' —

Was not this neatly said, and very much in the style of Bishop Madison?

"The other story will be more to your liking. In a large and promiscuous assemblage of ladies who formed, for several days, a portion of the auditory in the court-room, I was struck with the beauty and intelligence of one who sat immediately before me. She conversed occasionally with a gentleman near her, and her movements were as graceful as her eyes were intelligent. A few days afterwards, I found myself in company with her at dinner. Her conversation confirmed and even surpassed my prepossessions. She reminded me continually of Maria M. in her best days;—the same graceful manners, the same spirit and piquancy in her remarks. The last evening I spent in company in Boston, was at her house. She had a little circle around her, of which she was the soul, and 'the hours flew on angels' wings.' When we were about to retire, I asked her to permit me to take leave of her in our Virginia fashion, by a shake of the hand. She gave me her hand with great animation; it had a glove on. When I had reached the door she came briskly to me again — saying 'we did not shake hands in the right way, Mr. Wirt, — I had my glove upon my hand.' And she offered me the same hand again ungloved, and snow-white; and so — I took it and kissed it, with all the devotion proper to fifty years. My friend B. who accompanied me, who is about my age, but with the disadvantage of being a single man, said — 'Now, madam, you must shake hands with *me*.' And he offered to take the hand which had been proffered to me. 'Not that, Mr. B——,' said she, presenting him the other with its glove. Is not that Maria M. over again—and Virginia, besides? You should have seen the gaiety, grace and sensibility which accompanied the action, and which threw such a charm over it."

CHAPTER XV.

1830.

MR. WIRT EMPLOYED AS COUNSEL FOR JUDGE PECK ON I PEACHMENT. — ENGAGED FOR THE CHEROKEES. — HIST THE CHEROKEE CASE. — CORRESPONDENCE IN REGARD WITH MR. MADISON AND JUDGE CARR.—IS ASSAILED PAPERS FOR TAKING A PART IN THIS CASE.—HIS VIEWS DUTY IN REFERENCE TO IT.—PRESENTED AS A CANDIDA THE HOUSE OF REPRESENTATIVES.—ADDRESS TO THE ST OF RUTGERS COLLEGE.—ADDRESS IN BALTIMORE ON OC OF THE FRENCH REVOLUTION OF JULY.

MR. WIRT was now employed as counsel in two causes during the present and the ensuing year, largely attracted the attention. One of these was the impeachment of Judge Peck House of Representatives. The other was the celebrated C case which occupied so conspicuous a place in the debates gress, and which, more than once, found its way into the S Court.

The controversy between the State of Georgia and the C tribe of Indians fills an eventful page in the political history period. It is memorable for its excitements, its influence u feelings of a large section of the Union, and for the extra proceedings to which it gave rise.

The Cherokees were a large and powerful tribe, who occ tract of country which embraced a portion of the territory no within the limits of Georgia, North and South Carolina, Te and Alabama. There they had dwelt from time immemorial, like and independent nation.

Before and during the war of the revolution, they were eng frequent hostilities against the white population of the neighl states. In the course of these hostilities they were subject to

reprisals. On one notable occasion, a combined attack was made upon them by the troops of North and South Carolina and Virginia. They were driven from their habitations, several of their villages were burnt, and a portion of their territory occupied by the assailants, who made their possession sure by the erection of fortifications. This invasion led to the negotiation of treaties, by which the tribe acknowledged the conquest, and ceded to the states, within whose chartered limits their territory lay, the lands which were thus conquered from them. These treaties were negotiated in 1777. That which concerned Georgia and South Carolina, known as the treaty of "Dewitt's Corner," was made by commissioners duly appointed by those two states respectively. I have referred to this treaty, because it is said to be an authentic foundation to the claim of Georgia over a part of the Indian territory.*

The result of this invasion and of the treaties which ensued, was to force the tribe into the more southern region, and to increase their numbers within what was then embraced by the Georgia charter.

After this treaty, that portion of the tribe which still remained on the conquered territory, it was affirmed, held their occupancy only in subordination to the authority of the states within whose borders they were.

In the year 1785, the old Confederation negotiated, with these Indians, the treaty of Hopewell. This was a treaty which terminated a war. It stipulated for an exchange of prisoners; established a species of guardianship over the tribe; bound the Federal Government to protect the tribe against the intrusion of the whites, and finally conferred upon the tribe the privilege, if they chose to exercise it, of sending a deputy to Congress.

Georgia protested against this treaty,—holding that the Confederation was not competent to treat with Indians within the State limits. The subject of this protest was considered by Congress. It was decided against the State, and Georgia acquiesced.

After the Constitution of the Union was adopted, General Wash-

* The opponents of the Georgia claim have denied, it is proper to say, that any portion of the land ceded by the treaty of Dewitt's Corner, lay within the chartered limits of that State. They described it as entirely within the boundaries of South Carolina.

ington negotiated, in 1791, the treaty of Holston with these same Indians. This was, like the former, a treaty of peace and friendship. It was also a treaty of limits and cession. It, more explicitly than the former treaty, bound the Government to the duty of protection and guardianship over these primitive people. It announced the strong desire of the Government to see them advance in civilization,—"to become herdsmen and cultivators, instead of remaining in the state of hunters," and engaged to furnish them implements of husbandry. An important article of this treaty "solemnly guaranteed to the Cherokee nation all their lands not therein ceded."

In due succession, in a course of more than thirty years from the date of this treaty, thirteen other treaties have been ratified by the Federal Government with the same tribe. They exhibit frequent cessions of territory by the Indians, and contain repeated recognitions of the obligations of the treaty of Holston and renewals of the guarantee. The cessions of land made by these treaties, have generally enured to the special benefit of Georgia. From time to time, she has found portions of her chartered domain thus disembarrassed of her Indian population.

Georgia originally comprehended within the limits of her charter, all that tract of country which now constitutes the states of Alabama and Mississippi. This territory the State ceded to the United States in the year 1802. The cession was made, amongst others, upon two conditions. The first, that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to her lands, within the remaining limits, "as soon as it could be done peaceably and on reasonable terms." The other condition was, that the states to be formed out of the ceded territory should conform to all the articles of the ordinance of 1787, excepting that one relating to slavery. The third article of this ordinance enacts, "that the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress: but laws, founded in justice, shall, from time to time, be made for preventing wrongs done to them, and for preserving peace and friendship with them."

We may pause in this narrative to remark that, up to this stage the case discloses the following points as settled between the parties to these transactions:

1st. That Georgia, in 1777, regarded the Cherokees so far an independent tribe, as to open treaty negotiations with them for the cession of territory which the State then occupied by military force and claimed by right of conquest.

2d. That, in 1785, the State objected to the right of the old Confederation to treat with Indians within her chartered limits, claiming that to be her own exclusive prerogative;—which objection was overruled by Congress, and the decision acquiesced in by Georgia.

3d. That from this date, and after the Constitution was adopted, treaties manifold were made with this tribe of Indians by the General Government, without dissent or protest from Georgia. Which treaties mainly enured to the benefit of Georgia; guaranteed full protection to the Indians, in the enjoyment of their lands; were made, in part, with the agency of Georgia in the national Senate; and were, by the Constitution, the Supreme law of the land.

4th. That Georgia, in 1802, surrendered to the United States a large tract of country on which these Indians resided, with an express and careful provision, in their behalf, that the utmost good faith should be observed towards them, and that neither their lands nor property should be taken from them without their own consent, nor their rights be ever invaded or disturbed.

5th. That the United States and Georgia agreed by formal compact, at this date, that the former should extinguish the Indian title in the lands of the latter, as soon as it could peaceably be done on reasonable terms,—thus pointedly stipulating for the exercise of the treaty power of the Union with the tribe.

These proceedings would seem to establish conclusively the two great principles which were to control the decision of the controversy. The one, that the right of occupancy belonged to the Indians, and never could be terminated without their consent. The other, that the Federal Government alone had control over the subject.

So far, the case may be said to present no difficulty. Its embarrassments arose in the subsequent stages of its history.

The Government had undertaken, by the compact of 1802, to ex-

tinguish the Indian title for the benefit of Georgia. To the performance of this stipulation there was no limit of time, but there was a clear obligation to use all proper and reasonable exertions to that end, and, particularly to abstain from doing anything that might impede or frustrate it.

From an early period after this compact, the scheme of providing a new territory beyond the limits of the states, for the final settlement of the Indian tribes, was more or less distinctly announced. In 1808–'9 Mr. Jefferson had this subject before him, in a proposition to establish a portion of this Cherokee tribe west of the Mississippi. This suggestion gradually expanded, and it finally assumed the shape of an organized and broad scheme of policy under the administration of Mr. Monroe. Large tracts were purchased, beyond the frontier of the states towards the borders of Mexico, and suitable provision was made for the transfer of the tribes to this region. In 1817, one-half of this tribe of Cherokees, induced by the persuasions and influence of the Government, emigrated beyond the Arkansas, and there established themselves upon a favourable location under circumstances altogether auspicious to their comfort and welfare.

This removal and settlement of the Indians, upon a territory adapted to their wants and free from the possibility of future annoyance from the claims of jurisdiction by the states, will always be regarded as a measure which reflects the highest honour upon the wisdom and humanity of the nation.

In the case of the Cherokee tribe residing within the limits of Georgia, we have to notice a very remarkable fact, to which we may trace all the difficulties which have beset that subject. Whilst the Government liberally and carefully pursued its policy of removal with nearly every other tribe of Indians in other states, it seemed to have almost entirely lost sight of its engagement with Georgia, and to have devoted itself with a somewhat conspicuous assiduity, to the labour of rendering the removal of those people from that state, almost an impossible achievement. A steady, and, in any other circumstances, it would be entitled to be called, a most laudable effort, was made to promote the civilization, and, with it, the permanent establishment of these Indians upon the soil which they now inhabited. They were encouraged to abandon their hunter state and to devote themselves to

tillage and husbandry. Mr. Jefferson, Mr. Madison, Mr. Monroe and Mr. Adams, have all left memorials of the solicitude they felt in this endeavour, and the favour with which they promoted it. Under this powerful patronage, the tribe rapidly advanced in acquiring the arts of agriculture. They established schools; adopted the social organization of the whites; assumed their costume, learnt their mechanical crafts; built villages, churches, court-houses;—in short, adopted the polity of civilization as far as their rude condition would allow. The Government licensed and encouraged the settlement amongst them of the Missionary clergy, who became honoured residents in the country, and who pursued their benign labours of moral and religious instruction with an industry and success which gave them almost unbounded control over the tribe. There is scarcely on record a more agreeable picture than that presented by the Cherokees, of savage life reformed and advanced within the confines of civilized man. We have an account of the condition of these people from the pen of one of their own children, an educated Indian, written in 1825; one who, seven years before, was a savage, and who, at the date of his letter, was engaged in translating the New Testament into the Cherokee language. "Apple and peach orchards are quite common," he writes, "and gardens are cultivated. Butter and cheese are seen on the Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here. Almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprise are extending themselves in every part. Nearly all the merchants are native Cherokees. The Christian religion is the religion of the nation. Presbyterians, Methodists, Baptists and Moravians are the most numerous sects. Some of the most influential characters are members of the church, and live consistently with their professions. The whole nation is penetrated with gratitude for the aid it has received from the United States Government, and from different religious societies. Schools are increasing every year: learning is encouraged and rewarded. The female character is elevated and duly respected. Our system of government, founded on republican principles, secures the respect of the people. New Town, pleasantly situated in the centre

of the nation, is the seat of government. A printing-press is soon to be established; also a national library and museum."

These are some lineaments taken from this picture. We cannot contemplate such a portraiture of an aboriginal tribe, thus breaking through the crust of savage life, without many pleasant speculations upon its future destiny. But in this instance of the Cherokees, a shadow is thrown across the cheerful face of the picture by the more prominent figure which stands beside it, — the figure of that jealous State sovereignty which holds the bond of the poor Indian's fate, and whose features are darkened with an ominous frown, engendered by the very prosperity which attracts us. It is hard to say of the generous impulse which prompted this benevolent care of the Cherokees by the Federal Government, that it was a mistaken kindness, which, more wisely, should have taken another direction. But, still, it must be said. It may even be added, that it was a fatal error, on the part of the Government, to allow a race of people with such capabilities, to plant themselves so firmly upon a base so unstable. Georgia could not but regard with disfavour and jealousy the increasing permanency of a tribe within her borders, who claimed and exercised a totally independent government — exempt, in every respect, from her jurisdiction. It was a mischievous political anomaly, and precisely in that unhappy category, in which the mischief became the greater in proportion as the tribe advanced in cultivation and knowledge. Every new acquisition in moral or political virtue became a new motive for distrust, and even hostility. A tribe of Gypsies, settled under such circumstances, within the confines of a European government, would give but an inadequate idea of the embarrassments which Georgia suffered in this relation. The Indian is shut out from assimilation with his white neighbour, by prejudices which are altogether insurmountable. A thousand bloody feuds have separated them. The hate of more than a century is incorporated in the hearts of both, along the whole frontier which divides them. If we add to these provocatives, the ill-will which was certain to be engendered by the conflict of jurisdiction of two communities, each claiming exclusive control over the same soil, it will be readily understood how much it was to the advantage of the weaker, to be transplanted to a region remote from all the accidents of such a condition.

Whilst a certain transitory right of occupation — we may call it — has been admitted to exist in the Indian tribes inhabiting within the boundaries of a State; and whilst they have been allowed to maintain an independent political organization, with the function of legislating for themselves, — this has been endured only because it has been regarded as, necessarily from the habits and nature of the aboriginal population, *merely* transitory or temporary in its duration. Whatever the abstract or intrinsic merit of the Indian title may be, no State in this Union patiently contemplates the possibility of a perpetuation of such a condition. The history of the tribes presents a panorama of fleeting images; — nations slowly but surely moving onward from right to left, in shadowy procession, and fading away from the circle of human vision. One by one, these communities have migrated to distant regions, or, choosing the more sad alternative to remain upon the land of their ancient homes, have dwindled into the stage of second childhood, — finally to melt away before a civilization, which infallibly extinguishes whatever it cannot absorb.

The Government, from an early period, devoted its means, with a liberal energy, to the extinguishment of the Indian title. From 1805 to 1819, more than thirty millions of acres were purchased from the tribes resident within the States. The whole territory occupied by the Cherokees in Georgia, it is computed, did not exceed five millions of acres. This tribe possessed much larger domains in Alabama and Mississippi. The purchases made from the tribe, within these two States, exceeded eight millions of acres. In regard to these, the Government were bound by no compact. By a singular indifference to the discontents which were likely to grow up in Georgia, and still more singular neglect of the obligations especially due to that State, the Government had not extinguished, in the eighteen years which elapsed after the date of the compact, the title to much more than one million of acres of Cherokee lands within the borders of Georgia.

This neglect brought many complaints, which were still more embittered by the visible growth of the tribe under the care and encouragement of the Government. Georgia, more than once, expostulated against this neglect. It was said, on the part of the State, and, we have reason to believe, truly said, that in 1817, when the Government procured the *removal of* one-half the tribe, they might very

readily have procured the removal of the whole. That on th
sion the President gave them a specific assurance that this wo
be done. "In 1817," says the Georgia delegation, in a remo
to the President, "the public declaration of the President to C
that an arrangement had been made, by which, in exchange fi
beyond the Mississippi, a great part, if not the whole of th
possessed by the Cherokee tribe in North Carolina, Tennesse
gia, and the Territory of Alabama, would be soon acquired,
just expectation that the pledge given to Georgia would be re
In the eight years which have succeeded, these anticipations
President have been realized everywhere but in Georgia."
add that the purchases made since 1817, have, in fact, dri
Cherokees out of Tennessee, Alabama and North Carolin
crowded them into Georgia, and thus have contributed to cre
augment the difficulties in the way of a peaceful acquisition
lands within that State. "What," they ask, "has created the
desire of the Cherokees to remain where they are? The polic
General Government; the pretended guarantees of their poss
the attempted changes in the nature of their titles to the
lessons they have received in the arts of civilized life — a poli
and generous to the Indians, but solely at the expense of a p
of the Union."

We cannot deny the justice of this remonstrance. It was n
1824. Four years afterwards, when the tribe had increased in
lation, when their farms were more numerous, when educati
still more widely diffused, an event occurred which greatly a
the discontent of Georgia. The Cherokees held an assemblage
chiefs and head men, and, aided by the resident missionarie
formed and adopted a constitution for a permanent governmen
to this period, Georgia had done nothing inconsistent with the r
which she had heretofore admitted to exist between this tribe a
Government. She had practised a forbearance honourable
moderation and her respect for the national authorities. A cri
now arrived, and she determined to take care of herself. The G
ment had not given to her remonstrance the attention which it de
It had even, on one occasion, announced its purpose to maint
guarantee of protection to the Indians by military force. We

question the duty of the Government to maintain that guarantee, in every case in which it might be threatened;—to maintain it by martial power if necessary; but, at the same time, we think the Government in some degree responsible for the emergency which now produced so much excitement in Georgia.

Whatever blame may be attached to the Federal Government, or to the State, for the measures which were adopted by each in reference to this subject, the Cherokees themselves were certainly an innocent and even meritorious party in the controversy. There was no obligation upon them but to take the best care of themselves, to preserve peace and order, and to advance their own improvement by all the means at their command. They had treaties with the Government of the Union, which assured them, on the faith of the nation, that they should occupy the soil which they had derived from their fathers, as long as they chose to do so; and that, whilst they chose to occupy it, they should be protected. They had never made any stipulation, with either the federal or state authorities, that they would remove at all. If the National Government had entered into a compact with one member of the Union, which was incompatible with its elder guarantee to them, they were no parties to it and were not bound by it. The Government, however, could have complied with its engagement to Georgia. It had the means to purchase the consent of the Indians and to establish them in another region, under circumstances which would evidently have promoted their comfort and security. To accomplish this, no proper expense and no labour should have been spared.

When we say that the power of the Government, in the removal of the Indians, could only be exercised over them with their own consent, it is scarcely proper to interpret this authority by the rule which would apply to an independent and civilized nation. The Indian title within a State is admitted to be but a right of occupancy, with the reversion of the jurisdiction finally existing in the State. The tribes are said to be in a state of pupilage to the Government; entitled to be treated with humane and considerate regard for their feeble condition, to be taught, to be defended,—and subject, in equal degree, to be controlled for their own benefit. In the equitable and beneficent employment of this guardianship over them, when it becomes obviously

necessary to their security and comfort,—much more when it becomes essential to their existence,—the Government may rightfully exercise, and it becomes even its duty to do so, a measure of constraint, of moral force upon their will to induce them to do that which their own untutored understandings might oppose. But it is clear that a duty so delicate as this, so full of peril of abuse, is only to be performed in accordance with the suggestions of enlightened humanity, and with a scrupulous abstinence from all prejudice and passion.

The authority over the tribes has been confided, by the Constitution, to the General Government, to whom it has been exclusively given. The complaint of Georgia was, that this authority had not been duly exercised in conformity with the compact of 1802. She had waited now nearly thirty years upon the convenience of the Government, and, apparently, was as far off the accomplishment of her hopes as at first. The recent measure of adopting a constitution by the tribe, seemed indeed to place her farther from this accomplishment than ever.

She determined now to dispose of this subject in her own way. For the first time, she asserted the doctrine that the question of jurisdiction was one which rested solely upon her own pleasure whether she should exercise it or not: that the tribe, being on her soil, was subject to her laws, whenever she might think proper to extend these laws over it: that the treaties of the Federal Government did not bind her; and that if that Government did not choose to extinguish the Indian title, she was at full liberty to extinguish it for herself.

The popular excitement in the State gradually rose to fever-heat. The most astute and able men in the community took the lead in the movement. The Cherokees were arraigned before the public, as seditious enemies to the State; they were charged with resisting the emigration of the tribe, in terms which imputed that act to them as a criminal offence. Many pretexts, some true, others untrue, and all such as a cooler judgment would condemn as insignificant, were found to inflame the exasperation against the unfortunate tribe. "The omnipotent sophistry of interest and passion"—to use the phrase of an eloquent historian, supplied abundant argument to justify the proceedings of the emergency: "Qui vult cædere canem facilè invenit fustem." The legislature went to work in a manner which showed that they did not mean to leave the task unfinished. They passed a

series of laws, which an impartial judgment will ever regard as singularly proscriptive and cruel. The Indian territory was parcelled into convenient divisions, annexed to the bordering counties, and subjected to the municipal authority. All laws, ordinances and usages heretofore adopted by the Cherokees, were declared to be null and void. Every Indian was disqualified as a witness, and prohibited from giving testimony in the courts of justice in any case in which a white man, not a resident with the tribe, was a party. It was made a high penal offence to execute the Cherokee law which forbade emigration. No white man was allowed to reside amongst the Indians, without a special license from the governor, and without having taken an oath to obey the constitution and laws of the State. The penalty attached to the violation of this clause, as of several others, was a sentence to hard labour in the penitentiary for four years. A military guard was established, and every member of it was invested with power to arrest any person upon a charge of violating any portion of these laws. Provision was made for a lottery, by which the Indian lands were to be divided amongst the people of the State.

We must believe that a community, so humane and so intelligent as we know that of Georgia to be, must have reckoned, with great certainty, that a course of legislation so stringent as this, would have left no case for the law to act upon. That the Indians, taking the whole proceeding as an admonition to depart, would have instantly chosen the alternative of removal on the terms offered by the Government, and disembarrassed themselves and their unfriendly neighbours of the odium of carrying into effect a system of laws so repugnant to the genius of the age, and, as we cannot doubt, of the character of the people who enacted them.

The proceeding has been justified as a *coup d'etat*. As a stroke of policy, it has met the favour of politicians. If measures, which are not founded upon justice and an absolute respect for human rights, can ever be vindicated, we may even admit that in this case the policy of Georgia was calculated to lead to a good result, both to the Indians and to the State. It is not the first time that men have been worried into compliances which were essential to their welfare. The tendency of this legislation was to break up at once — violently enough, we must say — a pernicious relation, which could not but have terminated,

after a series of years, and through many sad experiences of feud and broil, in the utter destruction of the tribe. Its motive also was to force the tribe to a more secure asylum, where it might find space and inducement for the fullest development of whatever capacity for happiness it had derived from the Creator.

In the end, Georgia triumphed; as strength ever triumphs over feebleness, when the strong assumes to be the sole interpreter of the question of right and the arbiter of the fate of his opponent. The final submission of the Cherokees to their doom, presents to their chronicler a theme, which, faithfully written, will be but the repetition of many a pathetic chapter in human history describing the exodus of a nation driven forth from the monuments dearest to its affections to find shelter in ruder shades and more hospitable wilds. Let us hope that these children of the forest are reserved for a better destiny in their new home, and that, in their advancing perception of the blessings of Christian civilization, of peace and security, they may attain a full indemnity for all the sorrows of the past.

In the first stages of this assault, the Cherokees took counsel upon their rights. They demanded of the Government the fulfilment of the stipulations of the treaties. They were dismayed and overwhelmed at the discovery that the new administration of General Jackson was thoroughly opposed to them: that there was no help from that quarter. The answer they received was, that Georgia had full jurisdiction over them: that the Government would not interfere. Their next resort was to the Supreme Court. Eminent counsel were consulted, and Mr. Wirt and Mr. Sergeant were retained to conduct their cause. The advice they received was, to apply to the Court for an injunction to restrain the State of Georgia from the execution of her recent laws.

The sympathies of the people of the United States, except those who were immediately concerned in opposing the injunction, were largely with the Indians. The case was brought before the public under every point of view suggested by favour or dislike. It was discussed in the newspapers. It was debated, with singular ability, in Congress. It finally became, to a certain extent, a party question. It was also a sectional question. Those who were resolved to give an indiscriminate support to the administration, and those who thought that the President could do no wrong, uniting with the sectional in-

terest, brought a very strong reinforcement to the claims of Georgia. The heat on one side, gave occasion for greater heat on the other. The "percussion and repercussion" of debate produced much the same effect as that which we have seen, since that period, on another question of division between the North and South.

This is an outline of the Cherokee case, as it was disclosed to the nation in 1830–31.

I have endeavoured to give an impartial view of it, in the light which time has shed upon it, making all proper allowance for the aberrations of opinion and judgment which are inseparable from the conclusions of the best minds, when disturbed by the impetus of private or public interests. The excitements have now passed away, and the result has been fortunate.

A great responsibility was incurred by the counsel who advised and prepared the proceedings in the Supreme Court. Mr. Wirt was exceedingly solicitous to place himself upon sure grounds in the steps he was about to take; and, with that view, had recourse to the advice of his friends. The following letter from him furnishes an interesting history of his connection with this controversy:

TO JUDGE CARR.

BALTIMORE, June 21, 1830.

MY DEAR FRIEND:

* * I wish to consult you on a matter of business so deeply interesting to my character both as a man and a lawyer, that I must claim from you the rights of friendship.

You are apprised of the proceedings of Georgia in reference to the Cherokee lands within her chartered limits, and her desire to expel the Cherokees from the State *per fas aut nefas*. She passed a law last winter to take effect at the beginning of this month, abolishing the Cherokee laws and usages within their own territory,—extending the whole of the Georgia laws over these people, and disqualifying them from giving evidence against a white man in a court of justice. The present administration, playing into her hand, caused a bill to be passed through Congress, authorizing the President to exchange with them for their present lands, other lands of equal value beyond the Arkansas Territory. This bill leaves it to the option of the Indians to accept the exchange or not: but the President has told them that although they are placed, by their treaties, expressly under the protection of the United States and of no other sovereign, yet he cannot protect them against the laws of Georgia, that State having a right to

legislate over all persons within the limits of her territory. Thus they are oppressed by these obnoxious laws of Georgia, on the one hand, and allured by the exchange proposition on the other. But they have visited the lands offered to them, and find them unfit for agriculture, to which, under the influence of Mr. Jefferson and his advice given to them when he was president, they have devoted themselves for several years past.

* * I do not know whether you attended to the debate in Congress, last winter, on the Indian bill. If you did, you must have seen that the pretension of right in Georgia to legislate over the Cherokees was demonstrated to be utterly fallacious. These people, although partly within the chartered limits of the State, not being within her *territorial jurisdiction*, have been uniformly treated, both by the British Government and our own, as a sovereign people, with an acknowledged right to be governed only by their own laws and usages, within their territory, the exclusive possession of which has been so solemnly guaranteed to them by their treaties with the United States. In the estimation of many of the most enlightened men in Congress, the injury about to be inflicted on these people is shocking to justice and humanity. The Indian bill, nevertheless, passed by a slight majority.

* * * * * *

Some of the most distinguished men in Congress who had opposed its passage, Webster, Judge Spencer, Frelinghuysen and others, advised the Cherokee delegates then in Washington, to employ counsel to bring the various questions of their rights, under their treaties, before the Supreme Court of the United States: and for this purpose they were introduced to me, when in Washington on Judge Peck's case, some two or three weeks ago. I was aware of the delicacy of the situation in which this application placed me. I saw that I was about to be made instrumental in thwarting or impeding (or trying to do it, perhaps in vain,) a project on which the President and State of Georgia were bent, and which, but for my interference, might take immediate effect by the removal of the Indians—for they would sooner remove and die in the wilderness, than remain in subjection to the laws of Georgia. But, on the other hand, having been assured by so many distinguished men that the Supreme Court would protect them, and that they had only to secure eminent counsel to effect their object, they have resolved to bear the present oppression of Georgia until the question can be decided by the Supreme Court. Although the delicacy of the situation in which such an engagement would place me, glanced through my mind at the time of the application, yet as I was strongly impressed with the injustice about to be done to these people, I did not think it right to flinch from any considerations of personal ease and safety; and I promised to examine their case and give them *my opinion*, and, if necessary, my professional services in the Supreme

urt. On my return to Baltimore, I took up the question of the ht of Georgia to extend her laws over these people, read all the eches in Congress *pro* and *con*, on the subject, the opinion of the esident communicated to the Cherokees through the Secretary of ar, in favour of the right of the State, and gave the whole case a rough examination. My conclusion was against the right of the ate. But in making this examination, I was struck with the mani- it determination, both of the President and the State, that the State ws should be extended over them, *at every hazard*. This led me to lect more seriously on the predicament in which I was about to place self, and perhaps involve the Supreme Court of the United States.

* * * * * *

There are many well-meaning men who think it the interest of the erokees to remove to a country where the whites will no longer noy them, and where they may pass their lives in peace and quiet. e country offered to them in exchange has also been represented as paradise in itself and a haven of perpetual repose to them. The ntry offered, I have already described. There are wild Indians in e neighbourhood who will probably contest the right of possession th them, and make that paradise a slaughter-house and a scene of tual extermination. These people are now civilized in a very great gree, and do not wish to relapse into barbarism, nor to reside again ar savage neighbours. It is, therefore, their most anxious desire remain where they are, as they have a right to do. Yet if they d no hope from the Supreme Court, they would, I have no doubt, —thinking it the least of evils. With regard to the Supreme urt, the Attorney-General is reported to have said, that the State Georgia would not respect their decision, if against them, but would on to enforce their rights according to their own opinion of them; d after what has already passed, I should not be surprised if the esident should co-operate with them and render the decision ortive, by forbidding the Marshal and people of the country from eying it. On the other hand it is *possible*, (though not very pro- ble,) that the President may bow to the decision of the Supreme urt, and cause it to be enforced; and that Georgia may sullenly quiesce. If the President saw the subject with the eyes of his edeccssors, he could easily quiet the State of Georgia; but, unfor- nately, he stands committed by the public expression of his opinion. nd Georgia is determined to make hay while the sun shines, and force her great object of expulsion during the present administration. have already addressed a letter to the Governor of Georgia, of which send you a copy, and have also placed copies of it in the hands of e President, and of the Cherokees. I have given an opinion to the erokees, on their rights (or rather several opinions on several different estions) and have advised the measures by which I think these ques- ns may be carried to the Supreme Court. Now, I wish to ask you

whether there is any thing exceptionable against me either as a lawyer or a citizen of the United States, in the part I am taking in this case. I am, indeed, aiding these oppressed people against the President of the United States and the State of Georgia—but in conformity, as I think, with the constitutional laws and treaties of the United States. I need not tell you that I have no fear of personal consequences, but I have a great fear of doing what any honourable man can think wrong.

* * * * * *

The opinion which I have given is this—that if these people shall be sued civilly, or criminally prosecuted before a State court of Georgia, under the Georgia law, they may defend themselves on the ground of their treaties, which regard them as a sovereign nation within their own territory, under the *exclusive government* of their own laws, usages and customs; that the law of Georgia is void, as being repugnant to these treaties; and that if the present court of Georgia shall decide in favour of the law against the right claimed under the treaty, the case may be carried for revision to the Supreme Court of the United States, under the 25th section of the Judiciary act: see the case of Cohens *v.* the State of Virginia, 6 Wheaton, 375—Chief Justice Marshall's opinion.

I think it clear that the jurisdiction must be founded upon that section, as it has been construed by the Supreme Court, whatever may be the ultimate decision on the right. This, however, is appellate jurisdiction and requires that the case should first have passed through the State courts, which will delay the decision and throw every impediment in our way. The Attorney-General says the State of Georgia will take care that no case shall ever come to the Supreme Court. They will probably refuse to receive and put upon their records any plea which will show that the construction of treaties was involved, so that the record will contain nothing to found the jurisdiction of the Supreme Court, under the 25th section. Hence, it became important for me to enquire whether these people had any right to apply at once to the original jurisdiction of the federal courts; and this I cannot perceive that they can do, unless the Cherokee Nation be *a foreign state* in the sense of the Constitution, in which case they would have a right under the Constitution to file an original bill against the State of Georgia, in the Supreme Court, and ask an injunction against the execution of her law within their territory; or, unless the individuals of the Cherokee Nation be *aliens*, and consequently have a right to sue a citizen of Georgia in the federal courts. The High Court of Errors and Impeachments of New York, have held unanimously that these tribes are *alien and sovereign nations*, and their citizens *aliens:* Godall *vs.* Jackson, 20 Johnson, 693. Webster advises that every suit shall be brought in the name of the Cherokee Nation: he must therefore regard them as a foreign state. Will you read the case in 20th Johnson? and tell me, since I have shown you how deeply the

Supreme Court may be interested in this subject, whether there would be any impropriety in your conversing with the Chief Justice on this subject, as a brother judge, and giving me his impressions of the political character of this people, in the respect I have mentioned. I would not have you to conceal from him that the question may probably come before the Supreme Court. The subject will not be new to him. He has had occasion to consider several times the character and rights of these people. His opinion in the case of Johnson and McIntosh, (3 Wheaton, pages 571, 593,) seems to me to maintain the right of the Indians to govern themselves exclusively by their own laws, within their own territory, although their right to that territory be a mere right of possession. If the individuals of the Cherokee Nation be *aliens*, so as to found the original jurisdiction of the Supreme Court, the principal Chief of that Nation might file a bill against those officers of the State of Georgia, who will probably be engaged in executing her law, and ask an injunction against them, although he could not sue the State herself. See the cases of Osborn *vs.* the Bank of the United States, (9 Wheaton, 733,) and Bank of the United States *vs.* Planter's Bank of Georgia, ib. 904. Have you time to read these cases and inform yourself on this subject? There is another point on which I wish it was possible to come at the opinion of the Chief Justice, with propriety. It is this:—treaties compose a part of the supreme law of the land by the sixth article of the Constitution,—and it is added that "the judges in any State shall be bound thereby, any thing in the constitution or laws of any State or territory, to the contrary notwithstanding." Now, by these treaties I hold the Cherokees to be "a sovereign nation." See the speeches of Frelinghuysen and Sprague in the Senate. But the President said they are not a sovereign state, but subject to the laws of the State of Georgia. The Supreme Court has decided with regard to the new South American Republics while in a state of revolt, that the courts of the nation could not recognize them as States, until they had been recognized as such by the Executive of the United States. But I understand this to be limited to new States in that condition, and not to apply to old States whom the United States have continually acknowledged as such by treating with them as sovereign States. I wish to know whether the Chief Justice considers, according to the opinion already pronounced by him, the courts of the nation constitutionally bound by the declaration of the Executive branch of the government, (that is to say, the President of the United States,) that any people are or are not a sovereign state, so that the prior implications, by treaty, of their sovereignty, will be judicially considered as superseded by such presidential declarations. I can scarcely suppose that such is his notion: since otherwise the President might by his declaration, put Great Britain or any ancient sovereign, out of the family of nations. * * If I were near the Chief

Justice I would ask him at once, these questions myself,—and tell him as I wish you to do, that there is no case yet depending, which involves a decision on them; but that, unless the opinions of the Supreme Court, as already pronounced, prevent it, there may be questions of a delicate and embarrassing nature to the Supreme Court, which may be prevented by a correct understanding of the full scope of the decisions heretofore pronounced. I would speak to him with the confidence of a friend, * * and leave it to him to say, whether he would or would not be willing to come out with the expression of his opinion, so as to prevent embarrassment and mischief. I cannot discover that there would be any impropriety either in his saying whether the principles I have mentioned are involved in the former decisions; or, what he may at present, think of these questions. * * Unless I am restrained by your advice, I shall go on with this case in behalf of these people. But if you think it wrong, tell me so, and I shall as frankly draw off from these people and tell them why. I do not ask whether it be politic, but inherently right or wrong; for if right, I shall go on at any hazard. Pray give me your views fully of this matter; and if Cabell has not left Richmond for this place, (where I am expecting him every boat,) take him into the council,—and our trusty and well-beloved friend Coalter too. I shall be longing to hear from you on this subject.

Your friend,

WM. WIRT.

This letter was submitted by Judge Carr to the Chief Justice, who, upon consideration of the subject, thought it his duty to refrain from indicating any opinion on the delicate and interesting questions suggested by Mr. Wirt. "I have followed"—he adds, in a letter to Judge Carr expressing this determination—"the debate in both houses of Congress, with profound attention and with deep interest, and have wished, most sincerely, that both the executive and legislative departments had thought differently on the subject. Humanity must bewail the course which is pursued, whatever may be the decision of policy."

As might have been expected, in a case which had enlisted so much feeling, the motives of the counsel for engaging in it were questioned with no little asperity by many who stood in the relation of partisans on the side of Georgia. The publication of Mr. Wirt's opinion in favour of the Cherokees, furnished occasion for much censure and detraction. He was accused of taking part against his own country

He was charged also with acting from considerations of personal pique against an administration which had supplanted him and his friends. Those who assailed him through the public press seemed to find it a difficult problem to solve — how any upright citizen could question an executive proceeding which was intended to enlarge the national domain: how any such citizen could be so bold as to assert the rights of the weak and defenceless, or plead the sanctity of the national faith embodied in treaties, against the usurpations either of national or state authorities.

Such attacks upon his motives Mr. Wirt did not think it becoming his own self-respect to repel by any public notice. In a letter to a friend, he writes:

"I am insisting only on what General Washington and all his successors have held to be right; namely, that the Indians are entitled to the protection guarantied to them by the treaties. If this administration, for the first time, has taken different ground, and shall deny that protection to them, I can perceive no principle of morality or patriotism that requires me to adopt this new-fangled notion in opposition to those of Washington, Jefferson, Madison, Monroe, and John Quincy Adams. With all these great men, I think the Indians entitled to this protection; and I think, too, that the Supreme Court can give it. In this last position I may be wrong. But thinking as I do, and holding the proceedings of Georgia towards these poor creatures to be most tyrannical, as well as unconstitutional, and, if suffered, that it would be a foul breach of faith on the part of the United States, the disgrace of which the waters of the ocean of Time can never wash out, what sort of *patriotism* is that which could require me to refuse my professional services, when properly asked, to uphold the honour of my own country, and the rights of these oppressed people? The *prudence* of the engagement is another thing. It will be pronounced prudent or imprudent, as any man shall apply *long* or *short* measure to the subject. Those who consult only the personal convenience of the moment, will pronounce it imprudent. This I call the *short* measure. But I hold it most prudent always to do our duty, whether convenient or inconvenient. This I call *long* measure If I had declined this engagement from a cowardly fear of the consequences, I should never have been able to hold up my head again.

The curse of Kehama would have been a benediction, compared with the conscious self-abasement that would have preyed upon me."

A correspondence between Mr. Wirt and Mr. Madison, at this period, will show that whilst the former had no doubt upon the question of the right of the Indians in the controversy, yet that he was himself a decided advocate for their removal, if that could be accomplished with their own consent.

A copy of the opinion upon the case had been sent by its author to his friend, the ex-president. It produced the following letter:

MR. MADISON TO MR. WIRT.

MONTPELIER, October 1, 1830.

DEAR SIR:

I have received your "opinion" in the case of the Cherokees.

* * * * * * *

The views you have presented of the question between Georgia and the Cherokees, are a sufficient pledge, if there were no others, to those sons of the forest, now the pupils of civilization, that justice will be done to their cause, whether the forum for its final hearing be a Federal Court, the American public, or the civilized world.

I cannot but regret some of the argumentative appeals which have been made to the minds of the Indians. "What," — they may say, — "have we to do with the Federal Constitution, or the relations formed by it between the Union and its members? We were no parties to the compact, and cannot be affected by it." And as to a charter of the King of England, is it not as much a mockery to them, as the bull of a Pope dividing a world of discovery between the Spaniards and Portuguese, was held to be by the nations who disowned and disdained his authority?

The plea with the best aspect for dispossessing Indians of the lands on which they have lived, is that, by not incorporating their labour and associating fixed improvements with the soil, they have not appropriated it to themselves, nor made the destined use of its capacity for increasing the number and the enjoyments of the human race. But this plea, whatever original force be allowed it, is here repelled by the fact that the Indians are making the very use of that capacity which the plea requires, enforced by the other fact that the claimants themselves, by their counsels, their exhortations, and their effective aids, have promoted that happy change in the condition of the Indians which is now turned against them.

The most difficult problem is that of reconciling their interest with their rights. It is so evident that they can never be tranquil or happy within the bounds of a State, either in a separate or subject character,

that a removal to another home, if a good one can be found, may well be the wish of their best friends. But the removal ought to be made voluntarily, by adequate inducements, present and prospective, and no means ought to be grudged which such a measure may require.

I take this occasion, sir, to assure you of my high esteem and my cordial regards.

JAMES MADISON.

TO JAMES MADISON.

BALTIMORE, October 5, 1830.

DEAR SIR:

I thank you for your letter of the 1st instant, and concur with you entirely, as to the best mode of solving the political problem with regard to the Indians within the bounds of the States. And as I am unwilling that you should think me either quixotic or wicked — as I have been accused in some of the newspapers — in taking part in this exciting contest, I wish to inform you that I have impressed the very opinion you utter, upon the Indians. While the delegation was yet with me in consultation on this subject, and others which had grown out of their treaties, I addressed a letter to John Ross, the principal chief of the Cherokee Nation, in which, adverting to a florid description of the lands offered to them in the West, in exchange for their lands in the States, which had been given by Colonel McKenny, the superintendent of Indian affairs at Washington, to the Indian Board at New York, I say — "Admitting Mr. McKenny's statement to be true, there are many in the United States who will think it your wisest course to remove, *and I am among them.* My opinion is in favour of your right to remain, and of your exemption from the laws of the neighbouring States. I think the right is yours also on the other questions I have stated. But, still, if I could be assured that you would gain, in exchange for your present lands, others of equal value, where you would never again be disturbed by the approach of the whites, and where you and your descendants would be masters forever, and be permitted to grow in peace, I, for one, would most strenuously advise you to go, and give up this heart-breaking contest."

* * * * * * *

My situation in the contest is one entirely unsought by me, and, in truth, is a very painful one. The President, having declared in favour of the right of Georgia to extend her laws over the Cherokees, will place the Supreme Court in a delicate and fearful predicament, if they should differ from that opinion; and the consequences, whatever they may be, will be charged to this controversy, which I shall be accused of having maliciously fomented. Yet, from the beginning, I have not been able to perceive how I could have shrunk from the part thus cast upon me, without admitting myself to have been

unworthy of my profession. There may be those who will think it was my duty as a citizen, to have yielded to the President's construction of the treaty, leaving these people exposed to the legislation of Georgia. But you will observe, that the act which he considers as having exposed them to this consequence, is their having made a constitution and laws within the limits of Georgia. To have admitted this consequence, would have been a tacit admission of the criminality of all the preceding administrations, and all the preceding Congresses, who encouraged them to do this very thing. Mr. Jefferson directly encouraged it, by the answer which he gave to the two deputations from the Cherokees in 1808. That the treaty rights of other nations may be invaded by laws of the States, was contemplated by the Constitution. The Supreme Court, in view of this, was invested with jurisdiction in controversies between a State and a foreign nation. By the sixth article of the Constitution, treaties are declared to compose a part of the supreme law, and the judges in the several States are required to respect them, the Constitution or laws of any State to the contrary notwithstanding. I cannot perceive, therefore, what political or moral impropriety there can be in a professional man expressing and defending judicially an honest opinion with regard to these treaty rights, thus clearly made a judicial question, although he may have the misfortune to differ from the opinion of the Executive upon them. Had this affair been a private one, and personal to myself, I should not have troubled you with it. But it involves a question of political morality, in which the whole American community is concerned; and I set too much store by your good opinion, to leave the motives of my conduct in doubt.

The argument against the title of the Indians to their lands, compared with the argument in favour of our title to them, presents the strangest absurdity. It is said they have no other title than that of having chased their game over them, or seen them from the tops of distant mountains. And yet, we contend that an English, Spanish or French ship, having sailed along the coast, or entered the mouth of a river, gains a complete title by discovery to the sovereign of the navigator—not only to the coast seen, but to the unseen interior even to the unknown sources of rivers, and across to the Pacific. We say again, that they can have no title but to so much land as they can now cultivate, without any regard to their increasing posterity; whilst we hold that we have a perfect title to millions upon millions of acres confessedly beyond our present capacity for cultivation. In their improved condition as civilized agriculturists, you will perceive that the argument drawn from writers on natural law, applied to them in their savage state, is unanswerable, unless we admit the new and strange ground, now taken, that they had no right to alter their condition and to become husbandmen. * * * *

Yours most faithfully,

Wm. Wirt.

In answer to this, Mr. Madison wrote, October 12:

DEAR SIR:

I have received yours of the 5th instant. The explanation of your motives in not declining the cause of the Cherokees, was not needed. Of their purity it was impossible for me to entertain a doubt. From the aspect of the public proceedings towards the Indians within the bounds of the States, there is much danger that the character of our country will suffer. And I do not know that any formal discussion of the case can make it worse; whilst, by bringing into full view the difficulties which beset it, those proceedings may possibly be mitigated in the eyes of the world.

The circumstance that seems most to impair the national character of the Indians, is the admitted restriction on the sale of their lands. May not the restriction be regarded as taking effect against and through the purchasers? It is plainly rightful against such as are subject to the government imposing the restriction, and made so against all the subjects of the powers connected with this continent, by the common understanding among them, that the subjects of each, in that respect, should be under the control of the other. With respect to individuals, if such there be, who belong to powers not parties to that sanction, or who are in a state of expatriation, the restriction must be resolved into an interposition, *benevolent* as well as *provident*, against frauds on the ignorance or other infirmities characterizing the savage modes of life.

With great esteem and cordial regard,

JAMES MADISON.

The preparations of this cause, for hearing in the Supreme Court, occupied the present year. They were cautiously made, and every resource employed to give the case the advantage of a full and deliberate trial. These precautions were the more necessary, in view of the assiduous zeal of partisans to prejudice the public mind on the question. Amidst the storm of vituperation which beat upon the head of the leading counsel in the cause, he preserved an admirable equanimity and steadily performed his duty.

"What times have we fallen upon," — he writes at this juncture, to his friend Carr — "when a man cannot pursue his profession honestly, quietly and decently, without being dragged into the papers and dragooned into a political partisan, *nolens volens!* But it will be all in vain with me. I shall hold on my course calmly and firmly. Let them do their worst. A politician they shall not make me, whatever they represent me to be. —— is a right good fellow in every-

thing but his Georgia politics. But the Indian question is a chord of insanity to many. They are hardly responsible for what they do under the influence of the mania which has seized them. Heaven knows to what lengths they will carry it, supported as they are at Washington. It was with great difficulty they were restrained, by the energy of Mr. Monroe and Mr. Adams, from moving on the Indians sword in hand. But I shall try their metal with the Constitution of the United States, if I can get a question into the Supreme Court. I have determined to move no farther on my own opinion merely. I have written to the principal Chief that he must consult some of the first lawyers in the country before we go farther. Sergeant is engaged with me. He concurs in my opinion. Binney, Kent, Spencer and Webster, will be consulted, and I hope Chapman Johnson, Leigh and Stanard. The Cherokees are not rich, and their funds have been embarrassed by the new mode adopted in paying their annuities. Instead of being paid to the nation in *solido*, as always has been done heretofore, they are doled out in driblets *to the individuals* of the nation—as if the design were to disable them from supporting this controversy."

Turning from this subject for the present, to resume it hereafter, we have to notice in the following letter, amongst other things, that an attempt was made at this period, in Maryland, to induce Mr. Wirt to forego his often repeated resolve, and to enter the political arena as a candidate for public service. It was proposed to nominate him for the representation in Congress of the district which included the city of Baltimore; and his friends had led him to believe that the State would be gratified by an opportunity to present him to the Senate of the United States, when the term of the incumbent then holding this post should expire. The manner in which these propositions were received by him, is characteristic, although we may perceive in it some relaxation of the rigour of his former resolves:

TO JUDGE CARR.

BALTIMORE, June 16, 1830.

I have been attending our Court of Appeals on the Eastern Shore, my dear friend, and got home only last evening. I went on a special call and gave them an harangue. There were twenty or thirty ladies

in the court-room to hear me on a dry question of law. It is said to be the first time that a lady has ever been seen in the court-room, for her own pleasure. It is somewhat strange to me that, although I have been a strict reasoner ever since I crossed the Potomac, the sins of my youth, in the way of rhetoric, should cling to me so pertinaciously, that ladies should be continually flocking wherever I am to speak in a new place,—and only to be disappointed. I suppose it is a compliment: but I have so little vanity on this score, that it is a compliment I would gladly dispense with. It is an insinuation of a light and florid turn of thinking, which is not to my taste. But, as you say,—let that pass.

* * * * * * *

I suppose you are right about our obligations to our country. It is not my own personal convenience, my dear friend, that I should ever think of consulting in such a case. It is my wife and children whom I must necessarily leave before long, and I cannot bear to think of leaving them poor and dependent on this vile world. For this reason I have toiled, day and night, exclusively in my profession, and I am willing, nay desirous, to do so still, in the hope that God will be pleased to bless my exertions in their behalf. I have an utter distaste to politics. I hate, from my heart, all its vile intrigues and cabals. I am and have been peaceable and quiet, by keeping aloof from its "brawls and brangles,"—as Daniel Call used to say—and shudder at the idea of marring my tranquillity in my old age, when I feel that I stand more in need of it than ever. I hate all quarrelling, lying and slandering, and the hot blood and feverish contentions which, now-a-days, at least, seem inseparable from a political life. In the paper of this morning, I see my name put up as a candidate for Congress in this district, and the strong hope expressed that I will agree to serve. I never had a hint of it before, and sincerely wish they would let me alone. I shall certainly not canvass for this or any other office. If they do put me up, I hope and believe I shall not be elected; for this district is one of the strongest holds of Jacksonism in the State. Besides, the people require a courtship which they will never receive from me. I have not the pride of Coriolanus, but I shall never stoop to ask an office. I have always disapproved, upon principle, this business of canvassing. I was elected once for Richmond, but I had no hand in it; and as the matter will not be one of my seeking,—but, on the contrary, is exceedingly undesirable to me, I should be a madman to solicit an election.

You know the world well enough to know that, with these sentiments, my repose is in no great danger of being disturbed, by having these honours thrust upon me which others seek so strenuously. If they should choose, hereafter, to send me to the Senate—that I should not refuse. But the time for doing that is a good way off, and Maryland may throw another somerset before that day comes,—or I may sink

out of view, and be left to my peace. * * * Party is high and hot here. It is a Moloch to which I will never sacrifice.

* * * * * *

Your friend,

WM. WIRT.

So little encouragement was given to the enterprise of making the writer of this letter a candidate on this occasion, that it was dropped. On the same subject, he wrote to his son-in-law in Florida :—

"They have been pressing me here to become a politician; but I think of Monticello and Oakhill,* and shake my head. So much for patriotism and political honour and glory! Let them seek it, who choose. I will have none of it. My ambition is to slip through the sequel of my life as level and as quietly as I can. They are making a noise about me in the papers, in consequence of having done my duty by my Indian clients. I shall go on without concern, and do my duty still. I have a higher bar to answer at than any in this world, and if I can secure a judgment there, I care little for what the unworthy may say of me here."

During this year, Mr. Wirt was twice invited to deliver discourses in public. He accepted the invitation in both cases. The first, was to make an address to the two literary societies of Rutger's College, in New Jersey. He repaired to New Brunswick, and performed this duty in July. The address was delivered in the College, before a large audience, and was received with a degree of favour that drew upon him — to use his own expression — "showers of compliments from every quarter." "Southard thinks well of it" — he tells Carr, in a tone which implies his own satisfaction, not less than it conveys a delicate tribute of praise to the friendly critic—*laudari laudato viro.*

This discourse presented the orator an occasion to indulge in a favourite theme — the education of youth. It is written in a more subdued and didactic character than is usual in what we have seen published from the pen of Mr. Wirt. It is eminently entitled to frequent perusal by the student who has not yet set his foot beyond the college threshold. He will find in it the treasured experience of a safe and skilful guide, imparted in the earnest language of an eloquent mind, and commended to his affections by the kindliest and most

* The seat of Mr. Monroe.

parental solicitude. The professors of the College told him that they expected great profit from this discourse to their pupils; and Dr. Green, formerly the president of Princeton College, said, on taking his hand, "I am an old man, sir, but I have brought one of my sons to hear you, and I hope he will derive much good from the noble sentiments he has heard so well expressed."

The other discourse was delivered in Baltimore, on the 28th of October, upon a public celebration there of the revolution in France, accomplished in the Three Days of July. It was hastily prepared, in compliance with what might almost be regarded as a command from the city, and constituted the most prominent object of attention in a popular jubilee, attended with much pageantry and parade. The author, desirous not to appear "disgracious in the City's eyes," promptly and cheerfully performed the duty assigned to him. The occasion furnished no great scope for anything beyond rhetorical declamation. The address, too, bears the marks of the rapidity with which it was written. As it is evidently a production upon which Mr. Wirt bestowed but little care, and which seems to have sprung much more from the desire to oblige, than from the fervour of a mind which takes pleasure in imparting its thoughts, it is entitled to an exemption from that comment which a graver or more genial labour would challenge.

CHAPTER XVI.

1831.

IMPEACHMENT OF JUDGE PECK. — OUTLINE OF THE CASE. — THE TRIAL. — EXTRACTS FROM THE SPEECH OF MR. WIRT.

THE impeachment of James H. Peck, a Judge of the District Court of the United States, for the District of Missouri, was resolved by the House of Representatives, on the 22d of April, 1830.

In December, 1826, it was first brought to the consideration of Congress by the memorial of Luke Edward Lawless, a citizen of Mis-

souri, and a member of the bar of that State. The Judiciary Committee of the House of Representatives, to whom this paper was then referred, and of which Mr. Webster was chairman, reported against the complaint, in that brief form known to parliamentary usage which suggests that the petitioner have leave to withdraw his petition. It was renewed at the second session of the next Congress, but with no better success. The committee to whom it was referred, neglected or declined to make a report.

The House of Representatives, which met in December, 1829—the first which was elected under the new administration — found the revived memorial of Mr. Lawless amongst the earliest business which was submitted to their attention. On the 15th of December, the record shows that it was committed, as heretofore, to the Judiciary Committee. That committee consisted of Messrs. Buchanan, of Pennsylvania, Wickliffe, Davis, Bouldin, Ellsworth and White. After an examination of several witnesses, they reported, upon the 23d of March, 1830, a resolution of impeachment. Judge Peck presented a reply to the charges brought against him: a debate ensued, and finally, upon a division of one hundred and twenty-three to forty-nine, it was resolved that the Judge be impeached of high misdemeanours in office. Messrs. Buchanan, Storrs, McDuffie, Ambrose Spencer, and Wickliffe, were appointed a committee to prepare and report the articles of impeachment. These gentlemen were the leading lawyers of the House, and distinguished throughout the country for their forensic talent. They were subsequently elected to be the managers to conduct the trial. Judge Peck was arraigned upon a charge of oppressive administration in his judicial office, in his conduct towards the memorialist, Mr. Lawless. This charge may be briefly presented in the following narrative:

Mr. Lawless was counsel for the Representatives of Antoine Soulard, in a suit brought by them, in the District Court of Missouri, against the United States, to obtain the confirmation of their claim to certain lands in that State. Upon a full hearing of the case, the Judge, in December 1825, rendered a final decree against the claimants. An appeal was taken from this decree, to the Supreme Court. After this appeal, and after the close of the term of the court, Judge Peck was induced to write out the opinion he had delivered in the cause, and to

publish it in "the Missouri Republican," a newspaper of St. Louis. This opinion having attracted the attention of Mr. Lawless, produced from him an anonymous review or reply, which was published, in about ten days after the appearance of the first paper, in "the Missouri Advocate and St. Louis Enquirer." Its professed object was "to point the attention of the public to some of the principal errors," which, the writer affirmed, he had discovered in the opinion—and it enumerated, in regular series, eighteen propositions in which he supposed the Judge to be mistaken in the law or the facts. This paper was signed "A Citizen," and purports to be written by one who heard the opinion delivered at the bar.

At the next term of the court, which occurred in April, the Judge, having ascertained that the strictures upon his opinion were written by the counsel, was sufficiently offended to institute proceedings against him for a contempt. The result was an order to commit Mr. Lawless to prison for twenty-four hours, and his suspension from practice in the court for eighteen months:—which proceedings were alleged, in the articles of impeachment, to be "to the great disparagement of public justice, the abuse of judicial authority, and to the subversion of the liberties of the people of the United States." Mr. Wirt and Mr. Meredith of Baltimore, were retained by Judge Peck as his counsel.

The answer of Judge Peck was prepared by Mr. Wirt, and was submitted to the Senate of the United States, sitting as a High Court of Impeachment, on the 25th of May.

The defence of the Judge presents an elaborate statement of the character of a large number of land claims, of which that of the petitioners was one, all of which depended on the same principles, and a full discussion of the questions controverted by the counsel in his review of the published opinion. It states further that the Judge's opinion in the Soulard case, was delivered verbally in court, and was published at the request of several members of the bar who were interested in the parallel cases. That the subsequent review of this opinion by Mr. Lawless, the Judge regarded as a contempt of the court,—because it misrepresented that opinion in a manner calculated to bring the court into "disrepute, contempt and ridicule." Because, also, there were other claims still pending, in which Mr. Lawless was

counsel for the petitioners, which claims were of the same character and rested on the same general principles as Soulard's case. That the publication of these strictures had a tendency to prejudice the public mind on the subject, and to excite the resentment of a numerous body of claimants and their connections, against the Judge who alone composed the court. That, although the case was pending, on appeal in the Supreme Court, it was liable to be remanded for further proceedings, in which event it might be prejudiced by the publication of the counsel.

The defence, then entering into a minute analysis of the strictures, with a view to show that they were written in a contemptuous and derogatory spirit against the opinion of the court, admits the proceedings against the counsel, alleging that all the forms of law were duly observed. It states that the court, having attached him for contempt, tendered to him the usual privilege of purging himself from the charge; that he was asked if he desired to have interrogatories exhibited, to which his reply was,—that if exhibited, he would not answer them: that, in open defiance and contempt of the opinion of the court, he read, in open court, a paper which re-asserted the truth of the publication, signed "A Citizen." That the court considering these acts as contumacious and an aggravation of the first contempt, did pass the sentence against him as set forth in the charge.

The preliminary proceedings having now been settled, no farther steps were taken in the trial until the following December.

The trial began on the 20th of that month, and was continued, with occasional intermissions, until the 31st of January, 1831.

I should, in vain, endeavour to abridge this case within the limits which the plan of this Memoir allows, and to furnish even an outline of the questions which were brought into discussion in the progress of the trial. Much less could I furnish any accurate exhibition of the character of the eloquence which was manifested by the speakers on both sides. As a parliamentary proceeding, this case will always attract the highest consideration from those who are interested in the study of grave and authoritative precedent. The trial is remarkable for the ability displayed by those who conducted it; not less so for its dignified and scrupulous conformity with the best usages known to parliamentary law; for its calm and dispassionate justice; for the

august character of the tribunal, and the great value of the questions in debate. I can only refer my reader to the public volume which contains the report of the trial, for that full account of it which alone would satisfy him who desires to become acquainted with a proceeding so conspicuous in our Senatorial annals. My purpose here is to extract some passages from Mr. Wirt's speech on the trial, which I think will exhibit a fair specimen of the style of the orator, and of his manner of treating the most popular topics which the occasion supplied.

The chief points which occupied the counsel on both sides, were those which related to the liberty of the press and the right to publish comments on questions pending in the courts, and to the limitations upon the power of the courts to punish for contempts. Upon this latter point the argument is very full; and, perhaps, it is not too much to say of the trial, that it affords the most able and complete exposition of the doctrine of contempts and of the judicial decisions relating to it, to be found in the records of legal opinion. Mr. Wirt's argument upon this topic is presented with singular force, and furnishes an admirable example of logical analysis embellished by the happiest oratory. Indeed, this speech throughout, is remarkable for its power and beauty, and will always be regarded as one of the best in the literature to which it belongs. It is the only speech of Mr. Wirt's, with the exception of that on Burr's trial, which has ever been so fully reported, as to enable one who had never heard him to form a competent opinion of his faculty as an accomplished lawyer. Yet, even in this report, which was carefully revised by himself some months after the termination of the trial, I am informed by those who heard the argument, that many of the finer and more delicate passages which attracted the commendation of the by-standers in the delivery, have escaped from the memory of the reporter.

At the commencement of the trial, the public feeling is said to have been greatly against Judge Peck. The managers seemed to be deeply and sincerely impressed with the conviction that the proceeding against him was due to the public interest. The charge itself was of a character to excite a prejudice against the accused, upon slight proof. One of the managers was sufficiently wrought upon by his own review of the facts of the case, to say in his speech — "If I had been

thus made the victim of judicial vengeance and judicial tyranny; if I had been sentenced to an ignominious punishment, by an act of flagrant usurpation, and reviled and calumniated as Mr. Lawless was, by the tyrant who pronounced the unlawful and iniquitous sentence, I should have been almost irresistibly impelled by the highest impulses of my nature, to drag the judicial monster from the seat he disgraced, as Virginius dragged the tyrant Appius from the throne he had polluted." When such sentiments found utterance in the Senate Chamber, we may believe that they were entertained, even with exaggeration, out of doors.—By degrees, as the trial drew towards its end, this acrimony of opinion grew less severe; and when Mr. Wirt closed the defence, it was apparent, everywhere throughout the multitude of both sexes who crowded the Hall of the Senate to hear him, that the public judgment had taken a most favourable direction towards the acquittal of the accused. The trial lasted six weeks. On the 31st of January the vote on the question of guilty or not guilty was taken. It required two-thirds of the Senate to convict. The vote stood twenty-one for conviction, twenty-two against it: so the Judge was acquitted.

With this cursory narrative of the case I proceed to make the following extracts from the speech of Mr. Wirt:

"Mr. President: Something is continually occurring to humble the vanity of man with regard to his boasted intellect, and to draw a sigh of regret from every reflecting bosom at witnessing the inability of human reason to contend with human prejudice. That the weak, the vicious and the interested should be the victims of this prejudice, is too common an occurrence to excite surprise; but that the strong, the enlightened, the virtuous, should suffer the same kind of eclipse, is a practical lesson on human infirmity well calculated to teach charity to us all. Seeing as we do, every day, what opposite conclusions are drawn, and sincerely and honestly drawn, from the same premises, and how much of feeling is blended with the best operations of our reason, what candid man is there among us who can arrogate to himself the exclusive right to take the moral chair and to arraign the motives of his neighbour? I have laboured to look at the evidence in this case as abstractedly and disinterestedly as if I were myself to pass judgment upon it; and thus looking at it, I have listened with perfect amazement to the feelings of horror expressed by the honourable managers at the contemplation of the same picture which has left *me* perfectly placid and serene. How can I account for this but on

the presumption that there is some cloud of prejudice, on the one side or the other, which intercepts the view, and prevents us from seeing things as they really are? I look in vain at the evidence for anything to justify those rhapsodies of horror which have been so profusely poured forth here; and as I cannot see this horror in the picture, I am forced to conclude that it exists only in the imagination of the beholder. There is certainly some fatal prejudice at work on the one side or the other. It may be on my own. I am fully aware that the relation of advocate which I bear towards the respondent, and those kind and friendly feelings which the long and close intimacy generated by this prosecution has produced between us, and which I think it will be impossible for any man to refuse to him after such an intercourse, may have disqualified me for judging fairly of his case. On the other hand, it seems to me that the honourable managers have come to the examination of this case under so strong a prejudication of the guilt of the respondent, that the most trivial circumstances loom into consequence before them, and chaff and straw become a forest uptorn by a hurricane, and darkening the light of the sun. This honourable Court will judge between us. But after hearing the evidence, noting it carefully, and, so far as I could, *verbatim;* after reviewing it as I have done, again and again, to what other cause than some fatal prejudice can I ascribe it, that this man, whose character you have heard from the most respectable gentlemen in Missouri, should have been held up before this Court, day after day, as a '*judicial tyrant,*' '*a monster infuriated by the malignity of his passions,*' '*a madman, blind with rage, striding over the fallen constitution and laws of his country, to grasp his victim and inflict vengeance upon him for no other offence than presuming, in respectful language, to question the correctness of one of his judicial opinions?*' Yet all this and much more has been said, and said with invocations and appeals to the Almighty such as were never before heard within these walls, and, I humbly trust, will never be heard again. Not only has this unfortunate man been thus held up before this honourable Court, and before the crowded galleries that have continually attended this trial, but I perceive by the public papers that this hideous caricature has been sent throughout the nation with all the wings that genius and eloquence can give it. It has been seen by thousands who will know nothing of the evidence, and who will, of course, take the picture as true, on the credit of the honourable manager by whom it has been emblazoned; and long ere this, I do not doubt that many an anxious father in the remotest parts of our country has been addressing his son, with this paper in his hand—'See here, my son, what a horrible being the Senate of the United States have now before them — see what a monster a man may become by the unbridled indulgence of his passions — take warning by this — and if your country should ever elevate you to office and honour, beware of your passions — beware

of pride, revenge and cruelty, lest you become such another monster as this, and bring down the gray hairs of your father with sorrow to the grave. Even this wretch, Peck, may have had respectable parents, and may have been once their darling hope and joy—yet we see how he has blasted their hopes, turned their joy into sorrow, and covered all his connections with shame and confusion.'

"How long must it be before this cruel error can be corrected! How long must it be before the people of the United States can be made to understand that some of the most enlightened and respectable gentlemen of Missouri have come before this Court and deposed, upon their oaths, that this alleged monster is one of the most mild and patient of men?—meek and kind and charitable in private life—gentle, respectful, polite and courteous on the bench; and, in the simple and touching language of one of those witnesses, Judge Kerr, 'so amiable, as to be *very dear* to all who know him.' Sir, even the witnesses against the respondent admit that such is his general character. While some of them say that he was *warmer than usual* in the particular instance under consideration, they all agree that his usual temper and manner are marked with great mildness, patience and courtesy, both towards the bar and the suitors before him. Sir, with this evidence before me, to what else can I ascribe that tragical and horror-stricken exhibition which has been made of the respondent by the honourable managers, than to some dark and immovable cloud of prejudice which hides his real character from their view?

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"Mr. President, there is no good that does exist or can exist, unless guarded by restraint. The best things that we enjoy, the noblest qualities that we possess, become vicious by excess. Mercy degenerates into weakness, generosity into waste, economy into penury, justice into cruelty, ambition into crime. In advancing this sentiment, can any man justly accuse me of hostility to those virtues which I would restrain from shooting into vices? Yet, in sound logic, there would be quite as much candour and justice in such a charge as in accusing the respondent of hostility and contempt towards the liberty of the press, because he has said that if unrestrained it must degenerate into licentiousness. Sir, this principle of restraint has the sanction of Almighty wisdom itself, for it is impressed on every part of the physical as well as the moral world. The planets are kept in their orbits by the restraint of attraction; but for this law, the whole system would rush into inextricable confusion and ruin. Does it detract from the simplicity, the beauty, the grandeur of this system, to say that one of the laws which upholds it is the law of restraint? Is it not to the restrained position of the earth that we owe the revolution of the seasons, with all their appropriate and successive enjoyments; and to its restrained revolution towards the sun that we owe the relief of day and night, the seasons of labour and repose? What hinders

the vine from wasting its juices in wild and fruitless luxuriance, but the restraint of the pruning-hook, and the discipline of the training hand? What hinders the product of that vine from becoming a universal curse, but the restraint of temperance? What gives to civilized society its finest charm, but the restraints of decorum, of mutual respect, of honour, confidence, kindness, hospitality? To what do we owe the very proceeding in which we are engaged, and the advantage of calm and regular discussion, but to the restraints of the Constitution, of settled rules of proceeding, and of that courtesy and forbearance which we are happy in interchanging with our honourable opponents? Look where you will, then, sir, above you, around you, below you, you see that the great conservative principle is restraint—that same restraint which holds human society itself together. And does it derogate from the value of the liberty of the press, or is it, in fair reasoning, any impeachment of a man's respect for it, to say that *that*, like all other human blessings, requires the purifying and conservative principle of restraint? And yet this is the head and front of the respondent's offending in this particular; and it is for advancing this sentiment that the fiery tempest has been poured upon his head. Sir, I must take leave to say, and I am guilty of no disrespect in saying it, that the respondent feels as deep a reverence for the liberty of the press, as its loudest panegyrist can vaunt. For it is not always those who are loudest of speech or most profuse of tongue that feel the deepest love. There be those who, when they hear those burning and impassioned bursts of eloquence in favour of that popular topic, the liberty of the press, are ready to exclaim with poor Cordelia:

> 'Then poor Cordelia!
> And yet not so; since, I am sure, my love 's
> More richer than my tongue——'
> 'Unhappy that I am; I cannot heave
> My heart into my mouth: I love your majesty
> According to my bond; nor more, nor less.'"

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Speaking of the power to punish for contempts, the argument is introduced with the following clear and useful discrimination.

"Before I proceed to the books for the extent of this power, let me endeavour, sir, to take off some of the odium which has been unjustly attached to it. It is an extremely mistaken view of this power to suppose it intended *to erect the courts and judges into a privileged order*, and *to set them up*, as it has been said, above the heads of the President, Senate, and House of Representatives. This is one of those *argumenta ad homines* which might have been spared, without detracting from the dignity of the prosecution. If seriously urged as

matter of grave argument, it proceeds from extreme inaccuracy of legal perception, as to the character, purpose, and application of the power. Sir, it is not a *personal power to the man* who holds the office of a judge. If the insult be a *personal one, merely*, it cannot be punished in this way, though the *person* insulted be a *judge*. For a *personal libel*, he can proceed only, *like all other citizens, by a personal action*, in which personal damages are removed, or by *indictments*, in which the fine goes to the State. This is the admission of all the judges who have ever been called to consider the subject. You will find Hardwicke, Wilmot, and all the English as well as American judges, *marking this distinction, and marking it strongly*. It is only for scandalizing *the court, as a court*, and *on account of their judicial acts*, or scandalizing the judge, on account of an act *done in his judicial capacity*, that the attachment for a contempt will lie. And it is not, as Judge Dade, Judge Haywood, and all the other judges, foreign and domestic, say, it is not *for themselves* that this power is conferred; it is *for the public, whose officers and servants they are;* and because it is of the utmost consequence to the people themselves, who have erected these tribunals and to whom they belong, that they should command the deference, respect and confidence of the community. For these men are placed in these offices as the *conservators of the peace and order of society:* to settle quietly and peaceably those controversies among individuals, which, if there were no such *peaceful arbiter*, would end invariably in quarrels and bloodshed, and be settled by *the law of force*. But to the successful performance of this duty, it is indispensably necessary that they should be held in respect by the community with regard to which they are to perform this part of mediators and peace-makers. For, say these wise and learned judges, English and American, — and they speak a practical truth acknowledged in all ages,—if every disappointed suitor shall be permitted, with impunity, to revile, insult, and traduce the tribunal which has been appointed by the people to decide his controversy, all the respect and authority of these tribunals will soon be at an end, their utility will be destroyed, the very purpose of their institution frustrated; and with them will fall the authority of the laws themselves."

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"There is another passage in Lord Wilmot's opinion, which has startled the republican feelings of the honourable manager. The Chief Justice speaks of the importance of preserving the *authority* of courts; meaning, as he says, by their *authority*, not their coercive power, but that *homage* and *obedience* which are rendered to courts, from the opinion of the qualities of the judges who compose it. 'It is a confidence in their wisdom and integrity, that the power they have is applied to the purpose for which it was deposited in their *hands; that authority acts as the great auxiliary of their power*, and

for that reason the Constitution gives this compendious mode of proceeding against all who shall endeavour to impair and abate it.' It is in this train of thought, and in this light, that he advances the proposition which has given so much offence to the honourable manager. Having spoken of the ground on which attachments issue for resistance to the officers of the court, he adds, 'But the principle upon which attachments issue for libels upon courts, is of a more enlarged and important nature; it is to keep *a blaze of glory around them*, and to deter people from attempting to render them contemptible in the eyes of the public.' What kind of a blaze of glory is Lord Wilmot speaking of? Is it the external pomp and gorgeous trappings of office —wigs and robes, and ermine, and maces? No, sir; he has told you his meaning. It is that blaze of *moral glory* which results from their virtue and intelligence, and the *public homage* with which these high qualities surround them. It is that *authority* and *veneration* which always encircle the good and the great. Cast your eyes on the ancient republics of Greece and Rome; will not your memory readily supply you with names around whom this halo of glory continually beamed? Solon, Lycurgus, Pericles, Phocion, Epaminondas, Aristides, Socrates, Numa, Justinian, Cincinnatus, Fabricius, the Catos, the Brutuses, and a magnificent constellation whose stars it were endless to count, that shed *a blaze of glory* in the age in which they respectively lived, and imparts that blaze of glory even yet to the page of history which recounts their noble qualities and achievements. What was it that consecrated the Areopagus of Athens? What was it in the senate of Rome that struck the ambassadors who entered it with awe, as if they had entered an assembly of gods? Nay, sir; let us come to our own country. Let the honourable manager cast his eyes on the declaration of our independence, and the names appended to it. Does the honourable manager see nothing of *a blaze of glory* there? Sir, have we no such assemblies, no such tribunals, no such individuals in our own day? Who does not know and feel that we have? Nor would it be necessary to go far to find them. But the ground is delicate, and I have no taste for the name of a parasite.

"Sir, a contempt for this fine and just sentiment of Lord Wilmot, may be thought a proof of spirit and boldness and independence. But if peace, and order, and decency in society, be of any value, that sentiment will find minds to admit and hearts to feel its truth. I hope there are yet such among us. If there be not—'chaos is come again!'"

"Having thus examined the law with regard to the abstract power of courts to punish for contempts, let us turn, now, to the case in which the power was exercised. Was the case a proper one for the application of the power, or was Judge Peck guilty of a high misdemeanour in punishing this publication as a contempt? Was it a contempt of court? Was Judge Peck actuated by the guilty intention

charged in the impeachment in punishing it as a contempt, or was he governed by a conscientious sense of his judicial duty?

"And here I must be permitted to observe, that the case is not within the nut-shell, in which the honourable managers seem to suppose it to lie. It is a question of *intention*, both in regard to Mr. Lawless, and to Judge Peck. *Quo animo* was the publication of Mr. Lawless made? Was it for the purpose of *decent* and *respectful discussion* of *fair* and *candid criticism* for the *elucidation of truth?* or was it to revenge himself on the court for the disappointment which their opinion had inflicted on him. Was it for the wicked and malicious purpose of exposing the court to public contempt, and ridicule —to exasperate the suitors against the Judge—to ingratiate himself with those suitors by making a display of his superior learning, intelligence, and firmness in bearding the Judge upon his judicial seat, and proving that he was either a fool, or a knave, and this by the most foul and wicked misrepresentation of his opinion? Was it to make a lodgment on the public mind in favour of the claims, the great mass of which remained undecided; and against the blind and stupid Judge, who had so grossly wronged all these suitors? These are the questions which enter into the consideration of the *animus quo*, on the part of Mr. Lawless; and in order to answer them satisfactorily, we must understand the history of his connection with these land claims; the extent to which he was interested in them; the manner in which he was affected by the decision in Soulard's case; and the feelings and motives likely to actuate him. So, with regard to Judge Peck, the question is *quo animo* did he issue this attachment. Was it, as has been alleged, to soothe his vanity, which had been wounded by the publication of Mr. Lawless; was it from personal revenge, and for the tyrannical and unlawful purpose of oppressing a man whose only offence was that he had exercised the rights of a freeman in questioning, in decent language, the correctness of one of Judge Peck's opinions? or was Judge Peck actuated by the just and proper motive of vindicating, with promptness, the dignity and authority of his court against an impudent and defamatory libel? These are the considerations which relate to the *quo animo* of Judge Peck; and to enable us to make a proper estimate of his motives, we must look to his peculiar situation. Sir, I have heard it suggested, even by those who condemn the conduct of Mr. Lawless, that it would have been better for Judge Peck to have treated it with silent contempt; and as it is not impossible that a similar suggestion may have presented itself to some of the members of this honourable Court, I beg leave to observe, that many things may be passed over, and are continually connived at by a judge in one situation, which it would be not only excusable but proper for him to notice and punish in another; nay, which his duty to the tribunal, and the country to which that tribunal belonged, would make it his imperative duty to punish, in another situation. In

an old and long settled country, for example, like England, or like the Atlantic States of our Union, where the respect for the laws and the tribunals which administer them is established and habitual, a judge may well connive at an isolated case of contempt. But you may place a judge in circumstances in which such a connivance would be the extreme of folly, and would be universally condemned. Even in so old a country as England such a situation might occur. Suppose, for example, a judge sent down from London, under a commission of *oyer* and *terminer* into a part of the kingdom which had been recently in rebellion, and where the elements of discord and insurrection were yet at work around him. Does not every man see that it would be the duty of such a judge, so circumstanced, to observe with vigilance and punish with severity, the first indication of insult to his authority, so as to crush the spirit of contumacy in the bud, and prevent it from becoming bold and audacious by impunity? Again, suppose a judge (I put it, for the present, hypothetically) in a distant and frontier territory, to have thrown upon him, by the legislature of his country, the judicial settlement of a vast mass of foreign land claims, held partly by the original claimants, chiefly by sharp-sighted and sharp-set speculators, of rapacious and insatiable appetite; among which claims, though there were, no doubt, some that were fair and honest, there were others of a false and fraudulent character, which their holders might attempt to force through his tribunal by their intrepidity and effrontery;—I appeal to every considerate man whether such a judge is not placed in a situation which calls upon him to hold the reins of authority with a strong and firm hand, and to rebuke, with promptitude and energy, the first attempt either to insult or to intimidate his tribunal? Would you deem it wise or dignified in a judge so situated to permit himself, in his judicial capacity, to be exposed, by the misrepresentations of one of the officers of his own court, to the resentment of this large body of suitors, and to the general contempt and scorn of the community? Will not, must not, every candid and honourable mind find, in the situation of a judge so circumstanced, a sufficient, a just and proper motive for a vigorous assertion of the self-defensive and protective powers with which the law has armed him, without resorting to the base and despicable motives of wounded vanity and personal pique? We insist that Judge Peck has done no more than every judge would have had the perfect right and power to do under a similar attack upon the authority of his tribunal; and if there are other judges who would have overlooked such an assault, and it be thought hard and vindictive in Judge Peck not to have imitated such an imaginary model of forbearance, we refer to the peculiar situation in which he was placed, and the characters with which he had to deal, as a complete vindication of the propriety and wisdom of his course. With regard to *him*, therefore, and for the purpose of ascertaining the true motives of his conduct, it is fit

and necessary to look at his situation, with all the circumstances that naturally pressed themselves upon his consideration, and governed his conduct.

"So, on the other hand, in the case I have put of a judge called by legislative authority to the adjustment of a vast mass of law claims: suppose the individual charged with the contempt to have been the leading counsel, the attorney-general of these claims, the *dux gregis* of the whole flock, *with a princely fortune staked on the contingency of success.* Suppose that in the first decision that takes place, this adventurer sees the discomfiture of the whole phalanx of these claims, the disappointment of all his hopes, the vanishing of all the visions with which he had warmed his fancy: under the exacerbation of such a disappointment, what will probably be his course of conduct? If he be an irritable man, a man of turbulent and lawless propensities, a man accustomed to the wild uproar of insurrection and civil war, his first impulse will probably be revenge upon the tribunal which has inflicted the disappointment: *ruat cœlum*, but not *fiat justitia.* He may not call the judge to '*see him so,*' [taking the attitude of the duellist in the act of firing] as one of the witnesses described it; but he has it in his power to take another kind of revenge. He can publish a libel on the judge; he can so dissever, misrepresent, distort and discolour his opinion, as to render it absurd and ridiculous, and thus fix upon the judge's head the ass's ears or the rogue's brand, so as to deprive him of all the confidence and respect of the community, and make him a mark for the finger of universal scorn. Or, if he looked deeper into the game, he might have concerted a plan of hostilities, of which this libel was to be the first stroke, to blow up the tribunal altogether, and to erect another upon its ruin, before which his shattered troop of claims might appear with renovated hopes. I do not say that these were Mr. Lawless' motives, for I pretend not to know the secrets of the heart. But I wish this honourable Court to review all the circumstances of the case as they have been offered in evidence, and then to ask them whether there was not sufficient colour for suspecting that Lawless intended to insult and degrade the tribunal, to justify the Court in calling upon him to say whether such was his intention or not? This alone was the object of the rule upon him to show cause why an attachment should not issue? If, on his appearance under that rule, he had *condescended* to disclaim the insult, and to give that explanation of his motives which he has not disdained to give here, there would have been an end of the case, and we should have heard no more of it. But of this hereafter. At present, I have presented this hypothesis only for the purpose of showing that the field of circumstances from which the intention is to be gathered, is much broader than the mere proceedings on the attachment, to which the honourable managers have confined their views. The inquiry properly begins higher; and if we would possess the whole ground

and embrace all the circumstances which properly enter into the question of *intention*, we must look to the origin and progress both of Judge Peck's and Mr. Lawless' connection with these land claims. The Court is not menaced with a prolix inquiry on this subject. The ground has been already trodden, and my remarks will be brief. They are, however, necessary to the connection and illustration of that course of reflection which I deem it necessary to the justice of this cause to place before this honourable Court."

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"But the honourable managers insist that 'there is nothing in the article at which offence could be taken by any reasonable man.' They insist that 'it is perfectly decorous and respectful throughout; that the language is not only *delicate*, but most cautiously guarded and polite; that the object was merely to point out what Mr. Lawless thought *errors* in the opinion; that he calls them *errors*, and nothing more; and that there is not a *single scurrilous word*, from the beginning to the end of the publication.'

"Mr. President, the honourable managers seem to me to pay but a poor compliment to the good sense of this high and enlightened tribunal, when they suppose them capable of being deluded by such an argument. Sir, it is not the outside but the inside, not the shell but the kernel of the piece that we are called upon to examine. Sir, the malignity and mischief of a libel consists *not in the words* it employs, but *the thoughts it conveys*. The most poisonous serpent has a smooth and glossy exterior. The great bandit was sometimes seen in the courtier's robes. 'No rude expressions!' Why, sir, what is this to the purpose? Suppose a man were to publish of his neighbour, by name, in a public newspaper, a paragraph to the following effect:—'Many men of many minds—I may be wrong in the opinion; but it seems to me that my very respectable neighbour, Mr. A. B., committed an error, both in doctrine and practice, in entering my house after midnight, last night, and taking from my desk five thousand dollars in bank-notes.' Would the affected delicacy of the language protect him from a prosecution for a libel? Sir, the humility of the tone in this essay is nothing more than the crouching of the tiger before he makes his spring: and the passages are not few in which he shows both his teeth and his talons. Let us come to the piece itself, and see whether it be the innocent and legitimate thing it has been represented to be."

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"An honourable manager has told us that Mr. Lawless is an Irishman, and when he said *prohibit* he meant *not authorize*. But if he meant to plead the privilege of his nation, he ought to have apprised his reader fairly by a postscript—'take notice, reader, that I am an Irishman; and if I have committed any bulls in my attempt to state the Judge's propositions, you will please to remember I was born

under the constellation of Taurus.' The honourable manager has added, that if Lawless had been a *Scotch Irishman*, he would probably have added another specification, and charged the Judge with assuming that the King of Spain had *no right* to confirm certain claims, when all that the Judge had said was that the King was *not bound* to confirm them. Sir, there would have been no objection to blunders of this sort, if Lawless had hoisted his *national flag* in the onset: but he had no right to fire under English colours, and leave his adversary and the world to construe his assault on that hypothesis. An Englishman would not be apt to call *capers, anchovies*, and shoot a brother officer through the head for doubting his assertion that they grew on trees. Yet the honourable manager, I presume, would vindicate Mr. Lawless for such a course, though it might make wreck of the character, the peace, or even the life of an honourable man."

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"Let us come now, sir, to these after transactions, the final scene—the *conduct of the Judge*, under this rude assault on the court over which he presided. It is *here* that the honourable managers make their great stand. Indeed, they seem to think it the only part of the case which demands consideration. That *guilty intention* which the impeachment charges, and which they know that they are bound to prove, before they can demand a conviction, is to be made out, they think, from *the conduct of the Judge himself*. His conduct, they allege, proves *personal malice* against Mr. Lawless, and establishes *that intention unlawfully to oppress and injure, by colour of his office*, which constitutes the vital point of this impeachment. On this ground I meet the gentlemen, sir, with perfect composure; for I know that, with all their acknowledged abilities, it is utterly impossible for them to extract this proof of a *guilty intention from the conduct of the Judge*, except by the adoption of a process which every lofty and honourable mind will reject at once. Nay, it does not require loftiness or high honour; it requires only common charity to reject and spurn the process by which alone a guilty intention can be inferred from the conduct of the Judge — and that process is *by the gratuitous imputation of a base motive to an act equally referable to a pure one*. If the act be, in its own nature and character, equally consistent with a fair motive, what justice is there in imputing a foul one? Let it be observed, that there is no pretence of direct proof of malice (the *malus animus*) in the Judge. It is to be made out entirely by *inferences drawn from his conduct*. But, in the process of inferring motive from conduct, the act under examination must not be equally referable to a good and a bad motive. In a criminal trial, particularly, where every man is presumed to be innocent till the contrary appears, there must be no equivocality in the act from which guilt is to be inferred; for that would be to *presume guilt*, where innocence might, with equal fairness of reason, be presumed. The

accused having, in the outset, the legal presumption of innocence on his side, must continue to be presumed innocent until some act shall be adduced which is entirely inconsistent with such presumption, and consistent only with the presumption of guilt. But an act which, upon its face, is equally compatible with an innocent, lawful and honourable motive, will never, on such a trial and before such a tribunal as this, nor any other tribunal that knows its duty, be referred to a guilty and a base one. It does not require the inclination to err on the side of mercy rather than of justice, to acquit rather than to condemn, which distinguishes every enlightened criminal tribunal, to adopt the course of construction on which I insist: it requires only common reason, common right, a common sense of justice. For what innocence, what virtue, what nobleness of character, can protect a man, if the purest, and wisest, and best acts of his life, may be *tortured into guilt by the arbitrary imputation of a guilty motive.* Gentlemen may descant as long and as loudly as they please on the imaginary tyranny of Judge Peck; but the tyranny of a government in which such a principle of criminal law prevailed as that which is applied to fasten guilt upon him—the wanton and gratuitous inference of guilt from an act consistent with the purest innocence—would be a tyranny that would not be borne by any man who knew what freedom was, and had the power of locomotion. As for myself, sooner than live under such tyranny, I would say with Brutus—*'Longe à servientibus abero, mihique esse judicabo, Romam, ubicumque liberum esse licebit.'*"

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"But an honourable manager has said that Lawless was perfectly correct in refusing to answer, *the proposal being against right and liberty;* and yet, sir, it is the standing form, and course of practice on all such occasions. Gentlemen treat that as an offensive innovation which has been the course of practice ever since the law of contempt was introduced. You cannot open a book, elementary or practical, which does not give you these interrogatories as the standing order on the coming in of every defendant on the rule to show cause; and it is universally considered, not as an injury, but as a benefit to the accused—as his right and privilege; because it puts it in his power to clear himself of the contempt on his own evidence. And yet, sir, because Judge Peck tendered to Mr. Lawless this opportunity, and tendered it to him expressly as a right and privilege given to him by law, in strict conformity with the immemorial and uniform practice of all courts on like occasions, an honourable manager has permitted his imagination to take fire at it as a most unprecedented insult; and from this small spark he broke out into that magnificent conflagration at which this honourable Court, as well as ourselves, were so much amazed; declaring, with all the vehemence of voice and look and action, that if he had been in Lawless' place, and such an

overture had been made to him, he 'would have
from his throne, as Virginius did, and finished him
another honourable manager, who has since spok
same scene, and apparently desirous of supporting
sentiment, but despairing of rising to his attitud
claimed that if he had been in Lawless' place, *he*
so submissive—attempting to supply, by the sign
the inadequacy of his language to match his en
dent, on what times have we fallen? The time
virtuous and enlightened portions of society con
their most solemn and imperious duties to incul
the laws, and for the tribunals that administered t
pre-eminently, where we have no sovereign but
peace, the order, and happiness of society depen
cheerful submission to them, this deference has
religious duty. But the times, it seems, are chan
guished men expect applause by teaching from h
tumult, disorder in our courts of justice, and ev
of judges, for no other offence than the performa
duties. I will not press the topic, for there is fa
of pleasure in the prospect it offers of coming ever
is to be invited into our halls of justice, what is
of legislation? Why are we to suppose that the
make the laws will be held more sacred than t
them? And is our government to become one of
hand, and terror on the other? Are anarchy and
place of peace and order? and are the leading m
advise and to exhort to this baleful change? Sir
sions that may call for a Brutus: but is the misc
provincial judge,' as the gentlemen have been p
Peck, such an occasion? Is the Bench to be n
abject fear, before the Bar? and are judges to be
seats and slaughtered whenever they may cross t
cious advocate? Is this the conception which gen
of the *decorum* and dignity of a court of justice?
better views will be inculcated by the decision in
Lawless, and all other men in his predicament, wi
are here in a state of peace, and not of revolutio
houses and insulting judges is not our fashion; t
order, as well as of liberty; and that, among us,
according to the respect which they themselves
tions of our country."

* * * * *

"Mr. President, I have now, under the pressu
deep affliction of spirit, discharged the painful dut
me. I have spoken ***professionally***, and trust th

misunderstood as to be supposed capable of finding enjoyment in the wounds I may have inflicted. They are as painful to me as to others. But our duties, sir, whether pleasant or painful, must be done; and I should be unworthy of a place at your bar, if I could permit any ill-timed delicacy to interfere with their firm and faithful discharge.

"The question before you, sir, is not that of Judge Peck alone. It is the question of the independence of the American judiciary. It is in his person that that independence is sought to be violated. Is this Court prepared to suspend the sword by a hair over the heads of our judges, and constrain them to the performance of their duties amidst fear and trembling from the terrors of an impeachment? Or will you not rather, by your decision, maintain them in that firm, enlightened, and honest discharge of their duties, which has heretofore so pre-eminently distinguished them? Can you sacrifice such a man as Judge Peck to such a man as Lawless? Can you, by such a precedent, strike a panic throughout the American Bench, and fill the bosoms of all the reflecting, the wise and good, with dismay and despair? Sir, there is not a considerate man who has not long regarded a pure, firm, enlightened judiciary as the great sheet-anchor of our national constitution. Snap the cable that binds us to that, and farewell to our Union, and the yet dawning glories of our republic. I commit the subject to you, sir, without any apprehension of so dreadful a catastrophe from a tribunal like this."

CHAPTER XVII.

1831.

DEATH OF HIS YOUNGEST DAUGHTER.—HIS GRIEF.—HE WRITES A MEMOIR OF HER.—RELIGIOUS TONE OF HIS MIND.—RESEMBLANCE TO EVELYN.—HIS HEALTH AFFECTED.—OCCUPATIONS IN THE SUPREME COURT.—ARGUMENT OF THE CHEROKEE CASE.—EXTRACT FROM HIS SPEECH.—THE COURT DECIDES AGAINST THE JURISDICTION.—PRESENT CONDITION OF THE CHEROKEES.—LETTER TO JUDGE CARR.

THE "deep affliction of spirit," mentioned in the concluding sentence of the speech on Peck's trial, refers to an event which seems to have made a more permanent impression on the character of Mr. Wirt

than any other incident of his life. The trial of the impeachment had scarcely begun, when he received from his family in Baltimore the melancholy tidings of the death of his youngest daughter, Agnes, then in her sixteenth year. This event was wholly unexpected, and came upon him with a poignancy of anguish which altogether disabled him from proceeding with the cause. The Senate considerately adjourned the trial for a week. When it was resumed, the defence was chiefly conducted by Mr. Meredith. A month nearly elapsed before Mr. Wirt made his speech in the cause, and then, as we have seen, "under the pressure of ill-health and deep affliction of spirit." The excitement of debate, and that eager, emulous character of mind which no personal misfortune nor bitter grief could subdue, bore him through the trial placidly, at least, and often, as we may gather from some playful sallies in his speech, cheerfully, when the contention of the forum blotted out all other memories. I have abundant proof before me that, in the intervals of the trial, the images of his sorrow rose thick upon his sight, and set loose the frequent current of his tears. "My sweet angel visits me, by faith, many times in the course of the day and night. I want only my blessed Saviour's assurance of pardon and acceptance to be at peace. I wish to find no rest short of rest in him."—"Dearest heart, let us both look up to that Heaven where our angel is, and from which she is still permitted to observe us with interest:—up to that Heaven where our Saviour dwells, and from which he is showing us the attractive face of our blessed and happy child, and bidding us prepare to come to her, since she can no more visibly come to us."—"I have no taste now for worldly business. I go to it reluctantly. I would keep company only with my Saviour and his holy book. I dread the world—the strife and contention and emulation of the bar; yet I will do my duty—this is part of my religion."

These and many such breathings came from him in the mid-days of the trial — some of them written from his seat in the Senate Chamber.

The daughter whom he thus weeps was, from earliest childhood, an object of extraordinary attraction to all who were familiar with Mr. Wirt's household. She possessed a remarkable intelligence and aptitude of mind, which was developed in a devotion to study very

unusual to her years and sex. It was not less expressed in her face, which sparkled with physical and intellectual beauty. Her manners won all hearts by their gentleness and grace. The cast of her mind was thoughtful and most devoutly religious. These qualities had so planted her in the affections of her family, that she seemed to lead and instruct that little domestic circle, of which she was almost the youngest member. It is to her influence we may trace some of the strongest religious impressions of her father, whilst she lived; and still, in greater distinctness, the devout contrition and fervid piety which, after her death, became so engrossing and conspicuous in his character during the remainder of his life. Many beautiful letters, addressed by him to this child, for several years, attest the estimate he made of her understanding, and his reverence for the purity of her character. From the topics discussed in them, and the grave tenor of their style, in many which have fallen under my inspection, the reader of them would never suppose the correspondent to be a little girl, scarcely emancipated from the nursery. But the precocity of her mind seems fully to have warranted the tone of these letters. She was her father's constant companion in his study; arranged and endorsed his papers for him; collected his books of authority when he was studying his cases; made notes for him; and, by a thousand affectionate assiduities, so associated herself with his happiest hours, as to render her presence one of his highest delights, and frequent letters to her, when absent, almost indispensable to his content.

We have a touching memoir of this daughter, written by him not long after her death, which, as it served to recall many pleasing remembrances to the parent, was laboured with the zeal of a sacred affection.—"Young as she was," he says in this memoir, "she seemed to be the seal and connecting bond of the whole family. Her voice, her smile, her animated, graceful movements, her countless little acts and expressions of kindness and love, those 'small, sweet courtesies of life,' which she was so continually rendering to all around her, and with such exquisite grace of manner, had made her necessary to the individual happiness of every member of the household. When she was lost to us, it was as if the key-stone of the arch had been removed. There was a healthfulness in the glow of her fresh and young affections, which animated the rigid nerves of age, and a pleasantness and

beauty in the play of her innocent thoughts and feelings, which could smooth the brow of care, and light up a smile even in the face of sorrow. To me she was not only the companion of my studies, but the sweetener of my toils. The painter, it is said, relieved his aching eyes by looking on a curtain of green. My mind, in its hour of deepest fatigue, required no other refreshment than one glance at my beloved child, as she sat beside me."

The deep feeling and sadness of these lingering recollections, as we find them expressed, both in Mr. Wirt's letters and in this memoir, the graceful and refined utterance of them, and the earnest sentiment of religious resignation struggling upwards through a heavy cloud of grief, will not fail to remind the reader, who is familiar with the writings of Evelyn, of a parallel incident, strikingly resembling this, in the life of that gentle and philosophic scholar.* Indeed, in the gene-

* In Evelyn's Diary, March 10, 1645, he notices the death of his daughter Mary, at the age of nineteen, in terms singularly coincident, both in the description of the child and in the tone of his own feelings, with those of Mr. Wirt.

"The justness of her stature, person, comeliness of her countenance, gracefulness of motion, unaffected, though more than ordinary beautiful, were the least of her ornaments compared with those of her mind. Of early piety, singularly religious, spending a part of every day in private devotion. What shall I say, or rather not say, of the cheerfulness and agreeableness of her humour? Condescending to the meanest servant in the family, or others, she still kept up respect without the least pride. She danced with the greatest grace I had ever seen—but so seldom showed that perfection, save in the gracefulness of her carriage, which was with an air of sprightly modesty not easily to be described. Nothing affected, but natural and easy in her deportment as in her discourse—to which the extraordinary sweetness of her tone, even in familiar speaking, was very charming. I have been assisted by her in reading and praying by me; comprehensive of uncommon notions, curious of knowing every thing to some excess, had I not sometimes repressed it. Nothing was so delightful to her as to go into my study, where she would willingly have spent whole days. But all these are vain trifles to the virtues which adorned her soul. She was sincerely religious, most dutiful to her parents, whom she loved with an affection tempered with great esteem, so as we were easy and free and never were so well pleased as when she was with us, nor needed we other conversation. Oh, dear, sweet and desirable child, how shall I part with all this goodness and virtue, without the bitterness of sorrow and reluctancy of a tender parent! Thy affection, duty and love to me was that of a friend as well as a child!"

The Memoir of Mr. Wirt will form a portion of an additional volume of a devotional character which I have prepared from his papers. The reader will find in the perusal of it, how singularly it resembles the sketch which I have only partially extracted from the Diary of Evelyn.

ral complexion of mind, in cast of character, in the imaginations which were most pleasant to his fancy, in purity of taste, love of art and devotion to literature, as well as in the constant acknowledgment of the influences of Christian faith, Mr. Wirt bore a strong similitude to this distinguished Englishman, who now, after the lapse of two centuries, occupies so amiable a station in the literature of his country.

From this period we date a very notable change in the aspect of Mr. Wirt's life. He lost,—never entirely to recover it,—that buoyancy of spirit which heretofore, even in his gravest moments, was wont to break forth in sudden and irrepressible sallies. This sad event affected his health, and secretly preyed upon his mind to a degree which is supposed to have hastened the termination of his life. That religious reverence which had long been a sentiment of his heart now grew into a pervading and almost engrossing passion. It chastened his ambition, sobered his views of temporal life, led to the abandonment of schemes and fancies which for a long time had formed the staple of his hopes in the pursuit of his profession. He became, more than ever, a student in spiritual knowledge and a most devout and assiduous Christian. I find, amongst the papers belonging to this stage of his history, much pious meditation and religious discourse, preserved in essays and other writings which seem to have occupied a large share of his time. Age advanced rapidly, making its strong marks upon his frame, but not subduing or even diminishing the ardour of his industry, or blunting the edge of his faculties. It made him wiser and better, without abating the strength of his judgment or intellect. Occasionally we may find his former playfulness revived, but we cannot help seeing in it, how much it was tempered and abbreviated by the ever-returning memory of his affliction.

The impeachment case had scarcely been disposed of, before Mr. Wirt was called to an active course of employment in the Supreme Court. It was fortunate, perhaps, to his peace of mind that, at this period of domestic grief, his professional engagements were more than ordinarily exacting of his time. No interval was allowed to sorrowful meditation. He addressed himself to the task before him with a manly resolution, and acquitted himself of his duty with an energy that wholly concealed or overmastered the trouble of his mind. After arguing several cases of inferior importance, he found himself, at once,

at the threshold of that great controversy of the Cherokees and the State of Georgia, which, at this time, so profoundly engaged the public feeling.

The motion for the injunction in that case, was to be made, according to the notice, on the fifth of March.

On that day Mr. Wirt and Mr. Sergeant appeared as counsel for the Cherokee Nation. The State of Georgia refused to appear, and was therefore unrepresented in the Court. The cause was opened by Mr. Sergeant, and the argument concluded by his colleague.

"The great interest excited throughout the Union by this controversy," says the North American Review of that period, "was naturally to be expected from the novelty of the case, the dignity of the parties, and the high importance of the principles in question. The scene wore, in some degree, the imposing majesty of those ancient debates, in which the great father of Roman eloquence sustained, before the Senate, the rights of allied and dependent, but still sovereign princes, who had found themselves compelled to seek for protection and redress from the justice of the mighty Republic. We may add, that the high and well-earned reputation of the counsel, retained by the Indians, added another point of resemblance to the parallel."

The most important question in the cause, as it turned out, related to the jurisdiction of the Court. The motion for an injunction against the State of Georgia to prevent the execution of the offensive laws in the territory of the Cherokees, was an original proceeding in the Supreme Court. The Constitution gives that tribunal jurisdiction in controversies "between a state or the citizens thereof, and foreign states, citizens, or subjects." It gives, also, original jurisdiction to the Supreme Court, in all cases in which a state may be a party. The question which arose under these clauses was,—"Is the Cherokee Nation a *foreign* state within the meaning of the Constitution?" This question, though preliminary in its nature, and, in one aspect, decisive of the case, was argued by the counsel in connection with all the other topics belonging to the history of the controversy.

Mr. Wirt's argument was very carefully studied. It presents a complete view of the high questions of national law involved in the case, laid down with that precision and force which, more than any other quality, distinguished his exposition of complicated facts or

principles. It is an argument upon which the most eminent lawyer in the country might contentedly rest his fame; and although it is delivered to the profession, stript of much of that embellishment which escapes in a revised report, it affords a very fair and favourable example both of the pleader's mode of debating questions in the highest department of the science of jurisprudence, and of the characteristic strain of his eloquence.

I can find space but for one extract from this speech, which, altogether, fills nearly one hundred pages in the report. The portion I select refers to a topic of momentous concern at the time of the trial.

Georgia, as we have noticed, abstained from any recognition of the proceedings in the Supreme Court. There was a sullen and ominous silence on the part of the State. It was said by those who were supposed to be confidential with her councils, that Georgia was not present because she did not mean to abide by an adverse decision, and, therefore, took no steps to secure a favourable one. She had assumed a position, according to the phrase of the day, "upon her reserved rights," and acknowledged no arbiter between her and the Cherokees. Not long before this trial, she had given a very significant hint as to the course she designed to pursue throughout the whole controversy. A Cherokee, known by the name of Corn Tassel, had murdered another Indian within the territory of the tribe. He was arrested by the authority of the State under one of the recent laws against the tribe, was tried, and sentenced to be hung. A writ of error was granted by the Supreme Court, to the final sentence of the State Court, upon the same grounds which induced the application for the injunction. But the State, totally irrespective of the proceedings, executed the sentence, pending the appeal.

This temper of the State, and the surmises which were so current in the Capitol as to the manner in which a decision against Georgia might be received, suggested to the counsel the topic of his concluding remarks.

"Shall we be asked (the question has been asked elsewhere) how this court will enforce its injunction, in case it shall be awarded? I answer, it will be time enough to meet that question when it shall arise. At present, the question is whether the court, by its constitution, possesses the jurisdiction to which we appeal: and it is beginning

at the wrong end of the inquiry to ask how the jurisdiction, if possessed, is to be enforced. No court takes this course in deciding such a question. They examine the question of jurisdiction by the law which creates the tribunal and marks out its powers and duties. If they find the jurisdiction there, they exercise it, and leave to future consideration the mode of enforcing it in case it shall be resisted. In a land of laws, the presumption is that the decision of courts will be respected; and, in case they should not, it is a poor government indeed, in which there does not exist power to enforce respect. In the great case of Penn and Lord Baltimore, in which the boundaries of States in North America were in question, Lord Hardwicke did not ask himself how he was to enforce his decree. Although the tribunal was parted by the Atlantic ocean from the territory in question he felt no embarrassment on that point. He took it for granted, as he had a right to do, that the parties would respect his decision. Had the idea, even, crossed his mind of their proving contumacious, he would have relied, for the support of his authority, on the general coercive powers inherent in all courts, and, these failing, on the strong arm of that branch of the government whose duty it is to see that the laws be executed. Nor would his reliance have been in vain.

"Sir, what is the value of that government in which the decrees of its courts can be mocked at and defied with impunity? Of that government, did I say? It is no government at all; or, at best, a flimsy web of form, capable of holding only the feeblest insects, while the more powerful of wing break through at pleasure.

"If a strong State in this Union assert a claim against a weak one, which the latter denies, where is the arbiter between them? Our Constitution says that this court shall be the arbiter. But if the strong State refuses to submit to your arbitrement, — what then? Are you to consider whether you can of yourselves, and, by the mere power inherent in the court, enforce your jurisdiction, before you will exercise it? Will you decline a jurisdiction clearly committed to you by the Constitution, from the fear that you cannot, by your own powers, give it effect, and thus test the extent of your jurisdiction, not by the Constitution, but by your own physical capacity to enforce it? Then, why have you taken jurisdiction in the case of New Jersey and New York? The latter State has refused obedience to your summons. She refuses to appear. You have determined, nevertheless, and rightfully determined, to proceed with the cause. But suppose the question we are now considering to have been put to you in that case:—how will you enforce your decree against New York? You tell her, for example, that the boundary between the two states is that which New Jersey asserts, and that she is not to exercise jurisdiction beyond that boundary. New York laughs at your decree and sets it at defiance. Her marshal refuses to execute it, and the State upholds and protects him, by force of arms in his disobedience. She will not

permit him to be attached for his contempt, and defies all your process of execution. New Jersey is too weak to enforce it. If the possibility of difficulty in enforcing your decree is to drive you to a surrender of your jurisdiction, the argument applies as forcibly to the case of New Jersey and New York as to the Cherokee Nation against the State of Georgia.

"But, if we have a government at all, there is no difficulty in either case. In pronouncing your decree you will have declared the law; and it is part of the sworn duty of the President of the United States to 'take care that the laws be faithfully executed.' It is not for him, nor for the party defendant, to sit in appeal on your decision. The Constitution confers no such power. He is authorized to call out the military power of the country to enforce the execution of the laws. It is your function to say what the law is. It is his to cause it to be executed. If he refuses to perform his duty, the Constitution has provided a remedy.

"But is this court to anticipate that the President will not do his duty, and to decline a given jurisdiction in that anticipation? Nay, are we to anticipate that a defendant State will not do her duty in submitting to the decree of this court? As to menaces of disobedience, the contumacy of a State to the authority of this court is not a new occurrence. It occurred in Olmstead's case. Pennsylvania there took this menacing attitude. Nay, she went further, and drew up an armed force in show of practical resistance. But was this court deterred by this menacing attitude? On the contrary, they did not even notice it, but moved on with the calm and constant dignity which alone becomes them, and Pennsylvania gave way without striking a blow. Georgia, heretofore, assumed this same menacing attitude towards the Cherokees and the executive branch of the government; but former Presidents gave her to understand that the United States would not permit the violation of subsisting treaties, and Georgia submitted to the decision.

"Sir, unless the Government be false to the trust which the people have confided to it, your authority will be sustained. I believe that if the injunction shall be awarded, there is a moral force in the public sentiment of the American community which will, alone, sustain it and constrain obedience. At all events, let us do our duty, and the people of the United States will take care that others do theirs. If they do not, there is an end of the Government, and the Union is dissolved. For, if the judiciary be struck from the system, what is there, of any value, that will remain? Sir, the Government cannot subsist without it. It would be as rational to talk of a solar system without a sun. No, sir; the people of the United States know the value of this institution too well to suffer it to be put down, or trammelled in its action by the dictates of others. It will be sustained in whatever cause its own wisdom, patriotism and virtues shall direct, by

the respect, the affections, the suffrage and, if necessary, by the arms of the country. It has been an object of reverence to the best and wisest men of our country, from the first movements of our Constitution to the present day. It has been considered by them all as the keystone of our political arch, the crown of its beauty and the bond of its strength. Nor will the people suffer it to be touched by rash and unskilful hands for the worst of purposes, in the worst of times, even if there are any among us so hardy as to meditate it. If, then, I am asked how the injunction of this court, if granted, is to be enforced, I answer fearlessly, by the majesty of the people of the United States, before which canting anarchy (under the prostituted name of patriotism) and presuming ignorance, if they exist, will hide their heads.

"Sir, I have done.

"I have presented to you all the views that have occurred to me as bearing materially on this question. I have endeavoured to satisfy you that, according to the supreme law of the land, you have before you proper parties and a proper case to found your original jurisdiction: that the case is one which warrants and most imperiously demands an injunction; and unless its aspect be altered by an answer and evidence—which I confidently believe it cannot be—that if ever there was a case which called for a decree of perpetual peace, this is the case.

"It is with no ordinary feelings that I am about to take leave of this cause. The existence of this remnant of a once great and mighty nation is at stake; and it is for your honours to say whether they shall be blotted out from the creation, in utter disregard of all our treaties. They are here in the last extremity, and with them must perish forever the honour of the American name. The faith of our nation is fatally linked with their existence, and the blow which destroys them quenches forever our own glory: for what glory can there be, of which a patriot can be proud, after the good name of his country shall have departed? We may gather laurels on the field and trophies on the ocean, but they will never hide this foul blot upon our escutcheon. 'Remember the Cherokee Nation'—will be answer enough to the proudest boasts that we can ever make; answer enough to cover with confusion the face and the heart of every man among us, in whose bosom the last spark of grace has not been extinguished. Such, it is possible, there may be who are willing to glory in their own shame, and to triumph in the disgrace which they are permitted to heap upon this nation. But, thank Heaven! they are comparatively few. The great majority of the American people see this subject in its true light. They have hearts of flesh in their bosoms, instead of hearts of stone; and every rising and setting sun witnesses the smoke of the incense from the thousands and tens of thousands of domestic altars, ascending to the throne of grace to invoke its

guidance and blessing on your councils. The most undoubting confidence is reposed in this tribunal.

"We know that whatever can be properly done for this unfortunate people will be done by this honourable court. Their cause is one that must come to every honest and feeling heart. They have been true and faithful to us, and have a right to expect a corresponding fidelity on our part. Through a long course of years, they have followed our counsel with the docility of children. Our wish has been their law. We asked them to become civilized, and they became so. They assumed our dress, copied our names, pursued our course of education, adopted our form of government, embraced our religion, and have been proud to imitate us in every thing in their power. They have watched the progress of our prosperity with the strongest interest, and have marked the rising grandeur of our nation with as much interest as if they had belonged to us. They have even adopted our resentments, and in our war with the Seminole tribes, they voluntarily joined our arms, and gave effectual aid in driving back those barbarians from the very State that now oppresses them. They threw upon the field in that war, a body of men who proved, by their martial bearing, their descent from the noble race that were once the lords of these extensive forests; men worthy to associate with the 'lion,' who, in their own language, 'walks upon the mountain-tops.'* They fought side by side with our present Chief Magistrate, and received his repeated thanks for their gallantry and conduct.

"May it please your honours, they have refused to us no gratification which it has been in their power to grant. We asked them for a portion of their lands, and they ceded it. We asked again and again, and they continued to cede, until they have now reduced themselves within the narrowest compass that their own subsistence will permit. What return are we about to make to them for all this kindness? We have pledged for their protection, and for the guarantee of the remainder of their lands, the faith and honour of the nation; a faith and honour never sullied, nor even drawn into question till now. We promised them, and they trusted us. They have trusted us: shall they be deceived? They would as soon expect to see their rivers run upwards on their sources, or the sun roll back in his career, as that the United States would prove false to them, and false to the word so solemnly pledged by their Washington, and renewed and perpetuated by his illustrious successors.

"Is this the high mark to which the American nation has been so strenuously and successfully pressing forward? Shall we sell the mighty meed of our high honours at so worthless a price, and, in two short years, cancel all the glory which we have been gaining before the world for the last half century? Forbid it, Heaven!

* The Indian designation of their chieftain Ridge.

"I will hope for better things. There is a spirit that will yet save us. I trust that we shall find it here, in this sacred court, where no foul and malignant demon of party enters to darken the understanding or to deaden the heart, but where all is clear, calm, pure, vital and firm. I cannot believe that this honourable court, possessing the power of preservation, will stand by and see these people stripped of their property and extirpated from the earth, while they are holding up to us their treaties and claiming the fulfilment of our engagements. If truth and faith and honour and justice have fled from every other part of our country, we shall find them here. If not, our sun has gone down in treachery, blood and crime, in the face of the world; and, instead of being proud of our country, as heretofore, we may well call upon the rocks and mountains to hide our shame from earth and heaven."

The fate of this application is well known. The court decided the preliminary question, — that of the jurisdiction, — against the complainants. The opinion was carefully prepared by Chief Justice Marshall, and was delivered manifestly with regret. "If courts were permitted," said he, "to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people, once numerous, powerful and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence. To preserve this remnant, the present application is made." The question of jurisdiction was one upon which Mr. Wirt, from the first, entertained doubts; but his opinion in favour of it was confirmed by the high authority of Chancellor Kent and other eminent lawyers. The Chancellor's opinion was read in the discussion of the case; it was carefully studied and strongly pronounced. In the Court, the decision was not unanimous:—Judges Thompson and Story dissented. But, amidst these conflicts of opinion, the Cherokees were defeated.

Few persons, at the present day, will lament this defeat. It opened to the tribe a better destiny. The fervour of the orator is but an imperfect gauge of the wisdom of the statesman. For the sake of the instruction it imparts, it is often worth the labour to compare the

glowing prophecies which are uttered in the inspiration of a heated fancy with the subsequent revelations of time. Mr. Wirt's impassioned peroration, which we have just read, affords an example that may be studied. Neither have the Cherokees been "blotted out from creation," nor has "the honour of the American name" forever perished. I have before me the last report of the Indian agent, upon the condition of the Cherokees, in their home beyond the Mississippi —the report of 1848. "The Cherokees," he informs the Government, "are in a prosperous condition, so far as agricultural pursuits are concerned. Many of them have large and extensive farms, under good fences and well cultivated. Peace and order prevailed (in their council at Tahlaquah, the seat of government) to an extent not very common in legislative bodies, and I hesitate not to say that, if the different parties were again united so as to confide in each other, they are as capable of managing their own affairs, in a territorial or state government, as most people are in a territorial or new state government.

"With regard to the females, they are generally industrious and very neat in their household affairs. You generally find them neatly and fashionably dressed in home-made clothes of their own manufacturing. In passing through the country, the wheel and the loom are frequently the first sounds that greet your ear.

"With regard to the progress of religion and literature in the Cherokee Nation, I am advised that I may readily set it down, that, in each, there has been at least an improvement of ten per cent. from the last nine years' report. The two seminaries are in progress of building. The following branches of education have been taught:— spelling, reading, writing, arithmetic, geography, grammar, natural and mental philosophy, algebra and composition. Many of the scholars made good progress in their studies, and, at the public examination, acquitted themselves much to their own credit and the satisfaction of a large number of spectators, comprising some of the leading men of the nation, among whom was the acting principal chief and one or two members of the legislature."

This is a promising picture, and may somewhat reconcile us to the wrongs of which we have given the history.

The following extract from a letter of this period calls us back to the domestic life of the subject of our Memoir. It has a plaintive note of deepest distress.

TO JUDGE CARR.

BALTIMORE, March 23, 1831.

"I owe you several letters, my dear friend; but you are kind, and can allow for my situation. I have had such a winter as I never had before. Heavy causes to argue, with a broken heart and exhausted strength,—when, at every step, I felt far better disposed to lie down in the grave. It was not in such a frame that I could address you. Even now, I am unfit to write. For to me, the heavens are hung with mourning and the earth covered with darkness. The charm of life is gone. I look at my beloved wife and my still remaining circle of affectionate children, and my heart reproaches me with ingratitude to heaven. I have been too blessed for my deserts. *The selection of the victim is too striking to be misunderstood.* There is a better world, of which I have thought too little. To that world she is gone, and thither my affections have followed her. This was Heaven's design. I see and feel it as distinctly as if an angel had revealed it. I often imagine that I can see her beckoning me to the happy world to which she has gone. She was my companion, my office companion, my librarian, my clerk. My papers now bear her endorsement. She pursued her studies in my office, by my side—sat with me, walked with me,—was my inexpressibly sweet and inseparable companion—never left me but to go and sit with her mother. We knew all her intelligence, all her pure and delicate sensibility, the quickness and power of her perceptions, her seraphic love. She was all love, and loved all God's creation, even the animals, trees and plants. She loved her God and Saviour with an angel's love, and died like a saint."

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CHAPTER XVIII.

1831.

POLITICAL LIFE. — MR. WIRT APPOINTED A DELEGATE TO THE BALTIMORE CONVENTION. — MEETING OF THE ANTI-MASONIC CONVENTION. — MR. WIRT NOMINATED BY THEM AS A CANDIDATE FOR THE PRESIDENCY. — HE ACCEPTS THE NOMINATION. — HIS VIEWS OF THE CANVASS. — THE NOMINATION OF MR. CLAY. — LETTERS FROM MR. WIRT TO S. P. CHASE AND JUDGE CARR.

In this period of his deepest distress,—it occurs, singularly enough, in the history of Mr. Wirt, — he was invited to become an active champion in the political field. Now just verging upon sixty, his ambition lulled into rest by the fruition of high public honours, his distaste to political life rather increased by long and toilsome service, his heart turned away from worldly things by domestic affection, his mind turned to heavenly thoughts by the inspiration of the most religious influences—singularly enough it occurs, that, in such a time and in such a mood, he was forced by circumstances into a position which, all along throughout life, when the motives were a thousand-fold more cogent to compel his consent, he had pertinaciously avoided. Preparations were now on foot for the Presidential canvass of 1832. A National Convention of the opponents of the Administration was to be held in Baltimore, in December, 1831. They were to nominate a candidate for the Presidency. A general expectation, amongst those who were to be represented in this Convention, was already directed to Mr. Clay as the opponent of General Jackson, who, it was now understood, in spite of the pledge given by him to the contrary, was to be a candidate for the second term. The Whigs of the congressional district in which the city of Baltimore was, in part, embraced, had expressed their wish that Mr. Wirt would represent them in the Convention. In a letter of the 22d of May, to Judge Carr, we have his own account of the application to him.

"We are, you know," — he writes — "to have a great National Convention here in December, and I have been asked to represent this district in it. Now, I hate politics, and can never be a party man — much less a party leader — for 'I trust I have a good conscience;' and, in these times, I doubt the practicability of a politician possessing such a blessing. Besides, I have not the nerve to bear the vulgar abuse which is the politician's standing dish. I have kept myself in comparative peace, by avoiding politics; and in my old age I feel a most vehement repugnance to the turmoil to which I am invited. But they ask me if I have no concern for my country. * * * I have said, that if the people wish me to go to the Convention in December, I will go and utter their sentiments — that is, *as at present advised*, reserving to myself further time for consideration. At present, I think Clay the soundest amongst the candidates, and that he will make a good President.

"—— What do you say to it all?—first, as to the policy of such a Convention; and second, of my going into it? My friends here talk of making it a stepping-stone to the Senate of the United States. But what do I care for the Senate? I am rather too old to start now, for the first time, on such a course, and have neither speed nor bottom for the race. Yet, if I could see that public good would come of it, I do not think I could properly refuse. Do you suspect that there is any lurking ambition under this? If there be, it is too deeply concealed for my own discovery."

In due time he was chosen to be a member of the Convention, and accepted the trust.

A very unexpected incident soon afterwards followed this; and, as it threw him into a position of great notoriety throughout the whole Union, and involved him in a very heavy political responsibility, it is proper that I should speak of it somewhat at large.

The approaching contest for the Presidency greatly interested the Whigs, — or, as they were called at that period, the National Republicans. General Jackson, it was announced, was already understood to be the candidate of his own party. The opposition, in different sections of the Union, had variously directed their views to Mr. Clay, of Kentucky, Mr. McLean, of Ohio, and Mr. Calhoun, of South

Carolina. Amongst these, Mr. Clay was the most prominent. His nomination was, therefore, looked to as almost certain.

During the few years immediately before this date, the Anti-Masonic party had grown into considerable strength. The abduction of Morgan, and the extraordinary proceedings which followed it, had produced a remarkable excitement, especially in the Northern and Western States. It is a curious history which will ever occupy a notable page in the annals of the time, and is too well known to need repetition here. Like other exciting topics which have taken hold of the public mind in this country, it led to the organization of a distinct political party. The zeal to destroy Masonry rose above all other subjects of public concern; and a large body of respectable and judicious men were found, in several States, who were willing to forego all the ordinary inducements to the old political organization and to embody themselves into a party to accomplish this one object. The most intractable of all men are those whose minds are engrossed with one idea. An idea just in itself, useful to be promulgated and finally to be incorporated in the policy of the nation, may easily be magnified into proportions altogether incongruous with the place it should hold in a system of either public or private morals. If the greatest abuse is only to be corrected by the surrender or neglect of all other useful and essential principles of policy or conduct, wise men will always reflect and determine, beforehand, whether the good to be achieved is worth the sacrifice. An enthusiast will not halt for this consideration. The topic that is nearest to his contemplation will sometimes obscure the greatest subjects that stand behind it, as the disc of a button, near the eye, will shut out the view of half the firmament.

The day of political agitation upon Anti-Masonry has now gone by. The excitement naturally soon wore out itself and its subject. We may wonder, after this lapse of time, that intelligent and acute men could have ever persuaded themselves that it had a base broad enough upon which to build up a party: — that the manifold interests of a great country, its trade, commerce and general industry, its finance, its development through the thousand channels of public administration, its party alliances, its ambitious strifes and its multiform pursuits, could all be reduced into subordination to the purpose of extirpating Masonry by political action. There were, nevertheless, able, virtuous

and gravely-thinking men who entertained such an opinion, and devoted themselves to the duty of accomplishing this labour. We cannot say they were statesmen. It has been customary, amongst many well-intentioned people, to decry the practised and experienced public men of the nation, as hackneyed politicians; and to teach the country to believe, that a long conversancy in the knowledge of state affairs is rather a disqualification to him who possesses it, rendering him unfit to counsel and unworthy of trust. There are too many who suppose that political experience is a vice, that familiarity with the conduct of government is but the nurse of selfishness, and that patriotism cannot consist with the best accomplishments of a statesman, earned in a life of service and study. No hackneyed politician, no practised statesman conversant in the nature of a people and government, would have ever conceived the purpose of superseding all other parties by a new one formed upon the single basis of opposition to Masonry;—none, certainly, but such as might hope to promote some personal end for themselves in the achievement. The lecture-room, the pulpit, the theatre and the press, might effectively take cognizance of such a subject; but not a Government, which does its work by Secretaries of State and of the Treasury, by Navies and Armies, by Judges and Marshals, and by Committees of Ways and Means and Committees of Commerce.

This Anti-Masonic party, it was said, at the period to which we refer, supposed themselves able to command a vote of half a million in the country. Sincere and zealous in their purpose, unquestionably honest and patriotic in all that they contrived and intended to do, and, as I have already said, intelligent, thoughtful, and able in the general complexion of the men at their head, they had arranged a Convention of delegates to be chosen from the several States, who were to meet, by appointment, in Baltimore in September,—more than two months before the meeting of the other Convention,—to select a candidate for the Presidency.

In pursuance of this arrangement, a large body of delegates assembled in Baltimore, about the 25th of the month. It was distinguished for its talent, and for the weight of character which it presented. It was looked upon with a curious and deep interest throughout the whole country:—with approbation by many; but with a settled and

stern, though silent, hostility, by that numerous and respectable class of citizens which, in every State, yet constituted the body of the Masonic fraternity. Not one mason in a thousand believed the stories of the New York abduction. Those who did believe it, regarded it as an outrage with which the fraternity could not be chargeable. That fraternity was dignified and illustrated by many of the best and purest citizens in the country, and naturally scorned this deliberate and prearranged effort to denounce them as enemies to public order. They looked, therefore, askance at the whole proceeding, with a resolve to make head against it hereafter, when the opportunity to do so should present itself. In political opinion, this Anti-Masonic party were generally ranked amongst the opponents to the existing administration: a large majority of them, — their Anti-Masonry apart — were the political friends of the party which were to meet in Convention in December. Indeed, a general belief was entertained that it was their purpose to act in coincidence with the views of that Convention; and the hope was freely expressed, that the candidate they should nominate might be made acceptable to the delegates of the December meeting; that the two Conventions, uniting on the same individual, would bring a united force into the field against the administration then in power. That this would be the result, was an opinion and an expectation which prevailed both before and after the nomination; and was believed in, almost up to the day of the assembling of the December Convention.

Very much to the surprise of Mr. Wirt, he found, upon the meeting of the Anti-Masonic delegates, that their thoughts were directed to him as their candidate. We have seen that he was already a selected member of the Convention of December, and that he was friendly to the nomination of Mr. Clay. This was well known to the city of Baltimore, and we must presume, also, well known to the delegates there assembled.

On the 28th of September, the Convention tendered to him the nomination for the Presidency of the United States. Mr. Amos Ellmaker, of Pennsylvania, was selected by them as the candidate for the Vice-Presidency.

On the evening of that day, Mr. Wirt sent a communication to the Convention, accepting the nomination. As this paper explains the

grounds of this acceptance, and forms an important document in an interesting passage of political history, I give it entire, as I find it in the papers of the day.

"BALTIMORE, September 28, 1831.

"At the meeting of the Convention at 8 o'clock this evening, the following communication from Mr. Wirt was received:

"GENTLEMEN:

"The unanimous resolution of the 'National Anti-Masonic Convention' assembled at this place, nominating me as their candidate for the office of President of the United States, at the ensuing election, is an honour very grateful to me, as a proof of confidence from so respectable a body, and quite as unexpected as it is grateful. My pursuits, habits and inclinations, have removed me so far from the political excitements and contentions of the day, and I know so well, from a close personal observation of twelve years, how little of attraction there is in the office of President of the United States, to any man who values his own peace, that it was as far removed from my wishes as my expectations, that it would occur to any portion of my fellow-citizens to present my name to the consideration of my countrymen for that office. Not only have I never sought the office, but I have long since looked at it with far more of dread than of desire, being fully aware of its fearful responsibilities, and of the fact, demonstrated by past experience, that no degree of purity and intelligence that can be exerted in the discharge of its duties, can protect its possessor from misrepresentation and aspersion.

"Give me leave to add, gentlemen, that one of the last quarters from which I could have anticipated such an honour, is the Anti-Masonic Convention; because, adopting (too hastily, I am happy to find,) the current rumours of the day, I had supposed that the very principle of your union was a war of indiscriminate proscription against all persons throughout the United States who had ever borne the name of mason; that you would put in nomination no person who had ever been a mason himself, and who would not, moreover, pledge himself to become a party to such a war of indiscriminate extermination, and wield the appointing power of the office under your dictation; who would not, in short, become the President of your party, instead of being the President of the United States. I am happy to find that this is an error; for I should have been grieved for my country, to see the rise of any party that should affect to seize upon the reins of government, and, through the agency of an automaton President, to direct its powers to the vindictive purposes of party proscription and persecution; and I should be grieved, for myself, to learn that there *had* been anything in my life and character that could mark me out

as a fit instrument for the execution of such a purpose. I am relieved from both these apprehensions by learning, since your assemblage here, that you have no other object in view than, in effect, to assert the supremacy of the laws of the land; that you seek to disturb no portion of the peaceable and virtuous citizens of our country in the enjoyment of those social rights which are secured to them by their constitution and laws; but, on the contrary, that the principle which has embodied you is one of self-defence, in the enjoyment of those rights; that having become convinced, by the disclosures made under oath, by numerous and respectable witnesses, in the trials which have been agitating the State of New York for several years, and by your investigations consequent on those disclosures, that the Masonic Society has become a tremendous political engine, with the power and the disposition to set the laws of the land at defiance, to mark out and sacrifice its victims at pleasure and with impunity, and to silence all individual opposition by the mysterious terrors which it diffuses throughout the community, you have come to the determination to root out this noxious institution, if you can, by the use of all the peaceable, legal and constitutional means in your power; that the most effective means of this character which has presented itself to you, is by the exercise of your elective franchise; that deeming every man unfit for office, who, in accordance with the principles established on the trials in New York, considers his masonic oaths and obligations as superior to his obligations to the constitution and laws of his country, you will support no man for any office who holds that principle, or adheres to the society whose principle it is; that you consider a man's allegiance to his country his highest earthly obligation, and that no man is fit to be trusted with one of the offices of the country who will permit a doubt to rest on the fact of his allegiance. These, I understand to be your principles, and I see nothing in them which does not commend them to every man whose mind and heart are sound; for there can be no question among reasonable men, that in a free government like ours, the constitution and laws are our only sovereign; that the peace, order, prosperity and happiness of our people depend on the steady, faithful and effectual administration of our laws; that any secret society which, by the force of mysterious oaths and obligations, and by the extent of its combination, seeks to disturb the action of those laws, to set them at defiance, to ride over and control them, to usurp the government, to hold the lives, peace and happiness of society at their mercy, and to establish a reign of terror over the initiated and uninitiated, is a political monster as fearful as the Invisible Tribunal of Germany, or the Inquisition of Spain, and ought to be extirpated, without delay, by the use of all the peaceable means which the constitution and laws of our country furnish. I am further sure that, in our country, it is but necessary to establish the fact of the existence of such a society, to insure its annihilation.

"But, gentlemen, although your resolution asks of me no pledges or promises, yet the name and style of the Convention from which it proceeds, *the anti-Masonic Convention*, may be considered both by yourselves and our fellow-citizens at large, as necessarily involving, by implication, such promises and pledges; and it is therefore proper that I should be perfectly open and candid with you, that there may be no misapprehension between us, and that you may be able to disembarrass yourselves at once, by changing your nomination, if you find that you have acted under mistake in passing this resolution.

"You must understand, then, if you are not already apprised of it, that, in very early life, I was myself initiated into the mysteries of Free-Masonry. I have been told by masons that my eyes were not opened, because I never took the Master's degree; but my curiosity never led me thus far—and, although I soon discontinued my attendance on lodges, (not having entered one even from curiosity for more than thirty years, I believe,) it proceeded from no suspicion on my part that there was anything criminal in the institution, or anything that placed its members, in the slightest degree, in collision with their allegiance to their country and its laws. On the contrary, having been, before my initiation, assured by a gentleman in whom I had implicit confidence, that there was nothing in the engagement which could affect either my religion or my politics, (which I considered as comprehending the whole range of my duties, civil and religious, and as extending not to the first degree only, but to the whole Masonic order,) and being further informed that many of the most illustrious men of Virginia, with General Washington at their head, belonged to that order, and had taken the degree of Master, I did not believe that there could be anything in the institution at war with their duties as patriots, men and Christians; nor is it yet possible for me to believe that they could have understood the engagement as involving any such criminal obligations. I have, thenceforward, continually regarded Masonry as nothing more than a social and charitable club, designed for the promotion of good feeling among its members, and for the pecuniary relief of their indigent brethren. I have, indeed, thought very little about it for thirty years. It had dropped from my mind so completely that I do not believe I should have been able to gain admittance into any lodge at all strict in their examinations, where I should have had to depend alone on my memory; and so little consequence did I attach to it, that whenever Masonry has been occasionally introduced as a subject of conversation, I have felt more disposed to smile than to frown.

"Thinking thus of it, nothing has more surprised me than to see it blown into consequence, in the Northern and Eastern States, as a political engine, and the whole community excited against it as an affair of serious importance. I had heard, indeed, the general rumour that Morgan had been kidnapped and very probably murdered by

masons, for divulging their secrets, but I supposed it to be the act of a few ignorant and ferocious desperadoes, moved by their own impulse singly, without the sanction or knowledge of their lodges; and, thus thinking, I have repeatedly and continually, both in conversation and letters of friendship, spoken of *Masonry* and *Anti-Masonry*, as a fitter subject for farce than tragedy, and have been grieved at seeing some of my friends involved in what appeared to me such a wild and bitter and unjust persecution against so harmless an institution as Free-Masonry. I have thought, and repeatedly said, that I considered Masonry as having no more to do with politics than any one of the numerous clubs so humorously celebrated in *The Spectator*; and that with regard to the crime in Morgan's case, it was quite as unjust to charge that on Masonry as it would be to charge the private delinquencies of some professing Christians on Christianity itself. Thus I have thought, and thus I have continually spoken and written in my private letters to several of my friends. It was not until the period of your assembling here, that on the occasion of a friendly visit from one of your members, and my taking the liberty to rally him on the excessive zeal which had been excited on an occasion so inadequate, he placed before me a detail of some of the proceedings on the trials of the conspirators against Morgan: when, for the first time, I saw the Masonic oaths as established by the testimony both of adhering and seceding masons on the trials in New York. I observed that in one of them (called the Royal Arch) the candidate swears, among other things, that he will aid and assist a companion Royal Arch Mason in distress, and espouse his cause so far as to extricate him from the same, if in his power, *whether he be right or wrong*, and that he will conceal the secrets of a companion Royal Arch Mason given him in charge as such, *murder and treason not excepted*; and in other oaths, in still higher degrees, I also observe that the candidate binds himself to avenge the violated secrets of the lodge by the infliction of death on the offender, and to revenge the wrongs of a brother to the utmost extremity; and the whole mixed up with the most horrible imprecations and blasphemous mockeries of the rites and tenets of the Christian religion.

"In the details of the trials in the case of Morgan it became manifest that these oaths are not considered by those who impose and take them as mere idle and unmeaning words; but that they are viewed as solemn obligations which are to be practically enforced, and which in the case of Morgan, there is too much reason to believe, were *tragically* enforced. According to the reports of the details of that trial, as given at some of your former meetings, and given at greater length at your meetings in this city, (at one of which, in common with other citizens, I was present,) those oaths are understood *literally*, and *literally* enforced; and, according to the exhibition of the evidence made in those reports, the conspiracy against Morgan was not, as was

been commonly supposed, the act of a few ignorant men alone; but *engendered in lodges themselves, enforced under their direction, and supported at their expense*; the conspiracy embracing within its sweep, men of all degrees,—men of the learned professions, farmers and mechanics; with too much reason to believe that the secret energy of the Masonic spirit had entered and polluted even the temples of Justice; and with the most demonstrative proof that the persons who had entertained these unhallowed oaths, considered their allegiance to the lodges as of higher obligation than their allegiance to their country. *If this be Masonry,* as according to this uncontradicted evidence it seems to be, I have no hesitation in saying, that I consider it at war with the fundamental principles of the social compact, as treason against society, and a wicked conspiracy against the laws of God and man, which ought to be put down.

"But gentlemen, this was not and could not be Masonry as understood by Washington. The thing is impossible. The suspicion would be parricide. Nor can I believe that in the quarter of the Union with which I am best acquainted, intelligent men of high and honourable character, if they have been drawn in to take these shocking and impious oaths, can consider them as paramount to their duties to their God and their country. It is true that after the practical exhibition of Masonry which we have had in New York, no man of common prudence can sleep over these discoveries, and will take care in every case of doubt to enquire. But both justice and prudence demand discrimination; for the powers of a President ought not, in my opinion, to be prostituted to the purpose of a blind and unjust proscription, involving innocence and honour with guilt and treason; and no man is worthy of a nomination to this high office, in whose judgment and patriotism confidence cannot be placed to make the proper distinction between them. In the view of all honourable men he would deservedly become an object of disgust, if he could stoop to commit himself by any pledges, in a case like this, as the price of his nomination.

"If, with these views of my opinions, it is the pleasure of your Convention to change the nomination, I can assure you very sincerely that I shall retire from it with far more pleasure than I should accept it. If, on the contrary, it be their choice to abide by it, I have only to add, that, in a government like ours, I consider no citizen at liberty to reject such a nomination by so respectable a body, upon personal considerations.

"Be the final determination of your Convention what it may, I shall ever retain a grateful sense of the honour conferred on me by this nomination, and I beg the Anti-Masonic Convention to accept the assurance of my respect for them and their cause. I do not address them as a party, because I understand the principle of their union to

be to assert the supremacy of the laws; which I trust is and ever will be the sacred and immutable principle of our common country.

WM. WIRT."

This letter was received with entire approbation by the Convention, and a resolution was therefore adopted, recommending "to their fellow-citizens throughout the United States, a cordial and vigorous support of Mr. Wirt at the next election, as the Anti-Masonic candidate for the office of President of the United States."

In the extracts from the letters which will be seen in the following pages, we have some insight into the feelings which this political movement excited in the mind of him who was thus brought into this conspicuous position.

TO JUDGE CARR.

BALTIMORE, September 30, 1831.

"MY DEAR FRIEND:

"I send you a printed paper by which you will see that I have been drawn into a political scrape, which has taken me as much by surprise as if a thunderbolt had dropped at my feet in a clear day. It came upon me so suddenly, that I had no time to consult you and Cabell, nor, indeed, even a friend in this city. For the nomination was handed to me about one o'clock day before yesterday;—and it was intimated to me, that it would be a great accommodation to them if they could receive my answer by four or five o'clock that evening. I had, therefore, to place my daughter C. by my side, and write as hard as I could gallop, she copying after me. I was aware, an evening or two before, that such a thing was in agitation, and might possibly take place. I surveyed the ground, therefore, as rapidly and strongly as I could, with as firm a determination to do my duty as I could command, considering the constitutional repugnance I have always felt to such a *mêlé*. I am afraid you may think I have acted imprudently; but I know you will not think that I have acted consciously wrong. I have kept aloof all my life, from such affairs, and would have blessed my stars if I could have been let alone now. But the members of the Convention, who were gentlemen of the first respectability, urged upon me their right to put me in nomination, and to command the services of any citizen, and told me that, as a patriot, I could not refuse; that they could not support Mr. Clay; and that with the Anti-Masonic strength, now five hundred thousand votes and increasing, they believed they would be able to carry the election of their candidate—if not now, certainly at the next election; that, if my reluctance arose from any hope of the possibility of Mr. Clay's election—that was impossible; his friends must know he could not unite the opposition to General Jackson.

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"I have counted the cost. I desire only that my friends should understand this matter, and should not condemn me. I wished the election of Mr. Clay. My preference was declared both publicly and privately.

* * * * * * *

"With regard to the chance of my striking the people of the United States, at large, as a proper person for the office, it is a question of which I have great doubts. They do not know me, and will not be apt to feel much interest for so entire a stranger. For, if they did know me, do *I know* it would make the matter better.

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"The nomination is so unexpected to the whole community, that I am sure it will produce a strong sensation at first, both adverse and propitious, as it encounters different elements. I shall make enemies of many who have been friendly or neutral, shall be ridiculed as presumptuous, charged with having deserted my party, or having attempted to place myself at its head by a stolen march. I shall be laughed at, abused, slandered. For all these things I have a remedy in the peace of my own conscience, and, I believe, in the approval of my God. It is a perfectly new move on the chess-board to intriguing politicians of all parties, and must perplex them at first. In such a matter, people cannot be perplexed without exasperation. It is no move of mine, however,—so that if it be deep and puzzling, the credit is not with me. I believe it to be perfectly simple and honest. If I did not believe it so, I certainly would have nothing to do with it. I have been, and still am, friendly to Mr. Clay, but '*amicus Plato, magis amica Patria.*' I have done what I think right, and, so thinking, it is right to me. Nor shall I be drawn in, *Deo adjuvante*, to any thing, in the farther progress of the contest, for which you, my virtuous and beloved friend, shall blush. The character which I have gained is too dear to me to be sold for earthly honours; and I trust I have a higher view, the approval of a God of infinite purity and holiness, to whom, I know, I am to account—perhaps before this contest be settled.

"The disappointment of those who have nominated me would be my gain, so far as peace and quiet are concerned. I shall be as calm as I can, and take the lashes as patiently as Hudibras' horse."

The following, from a letter addressed to a warm personal and political friend, affords some additional facts connected with the nomination. The extract which is here given, it is proper to premise, forms part of a narrative of the particulars of a private interview between Mr. Wirt and one of the leading members of the Convention. In

this interview he endeavoured to turn the attention of the Convention to Mr. Clay, hoping that they might be induced to nominate him From this point the narrative proceeds:

TO SALMON P. CHASE

BALTIMORE, November 11, 1831.

* * * * * * *

"Considering the strength of their party (the Anti-Masons), and the rapidity with which it was increasing, I saw at once that unless we could secure their nomination for Mr. Clay, we could not elect him.

"Mr. Clay was the choice of my district, and I had been deputed by it as a delegate to the National Republican Convention, whose object I understood to be to confer on the selection of a suitable candidate, giving the preference to Mr. Clay, if found that he would be strong enough to displace General Jackson; and if not, to prefer any one else who could secure to us that result. I, therefore, lost no time in sounding this gentleman with regard to Mr. Clay. He said that he believed the Convention would have nominated Mr. Clay, if he had responded to a call which had been made upon him on the subject of Masonry, and had come out, on that subject, as Mr. Rush had come out. I asked him, how it would be possible for Mr. Clay, situated as he was before the public, to come out in such a way, without subjecting himself to the most invidious constructions? I added, that he would be charged with having renounced his Masonic fraternity, for the sordid purpose of buying up their nomination; that he would disgust, by such a course, every virtuous man in the community; and that his enemies would not fail to revive against him the old cry of bargain and corruption, under which he had already suffered so much and so unjustly.

* * * * * *

"Having broken the subject, I pressed Mr. Clay upon him, by every topic of persuasion and argument that my ingenuity could suggest, and with all the ardour and even enthusiasm any of the most devoted friends of Mr. Clay could have employed. I continued to press him, until he told me, with a smile, that it was perfectly in vain to talk of Mr. Clay.

* * * * * *

"He said I knew nothing of the principles of Anti-Masonry; and, as soon as I did, I would see, at once, the utter impossibility of bringing the Anti-Masons to think even of Mr. Clay. That in Pennsylvania, many of them, and, perhaps, the major part, were originally and still Jackson men, and, Anti-Masonry out of the way, would

return to Jackson. That it was absurd to think these men would leave Jackson because he was a Royal Arch, and unite on Mr. Clay who was a High Priest.

* * * * * *

"Mr. Clay, then, out of the way, I was most anxious that the Anti-Masonic nomination should have lighted on Mr. McLean, and laboured the point not only with P—— but also with other members of that body who came to visit me. Mr. McLean's refusal of the nomination had not then been received. It came, however, in time to operate, I have no doubt, materially upon their ultimate decision.

"When S—— first hinted to me that they were thinking of me, I begged him, with a sincerity of which God is the best judge, not to think of it: assured him that I had no desire for the office; that my ambition did not lie in this direction; — that I was happy in my family, prosperous in my profession, contented with my situation; that I did not know how to electioneer, had no taste for the business,— on the contrary, despised it. That if they wished to succeed they should look to some one who could bring them an accession of strength. That Judge McLean could do this,—I could not. When, in spite of all my efforts for others and all my remonstrances against my own nomination, they insisted on their *right* to nominate whom they pleased, and appealed to me, as a patriot, to accept the nomination—what was I to do?

* * * * * *

"The Convention was one of the most respectable assemblies I have ever seen, either in a legislative or any other character. The Chief Justice of the United States (Marshall) and several other gentlemen, myself among them, were invited to attend a reading of some of their reports; and never have I witnessed the display of more talent and dignity on any occasion.

* * * * * *

"You have now the whole case before you, and I thought it due to the friendship you have always professed for me, to state it at large. I will not embarrass you with the question, whether you approve my course or not. It is enough for me, that my own conscience approves it, and that I do not believe it is condemned in Heaven.

* * * * * * *

"I am perfectly aware, with you, that I have none of the captivating arts and manners of professional seekers of popularity. I do not desire them. I shall not change my manners; they are a part of my nature.—If the people choose to take me as I am—well. If not, they will only leave me where I have always preferred to be, enjoying the independence of private life. They may make some rents in my garments in the meantime, but they will make none, I hope, in my peace of mind."

This is certainly not the letter of a politician. All who knew Mr. Wirt will readily believe that every sentiment, uttered in this extract, came from the bottom of his heart, and breathed nothing but truth. It will be regarded as a singular passage in the life of a public man; and although it shows one all unpractised in the tactics of political ambition, it cannot but inspire a deep regret that a man of such a mould should not have been advanced to that eminent station from which his virtues would have become illustrious examples, and his deportment a study for the imitation of his fellow-citizens.

There were many persons in the country, and particularly in that section where Mr. Wirt was best known, who, having no connection with the party or the question which brought him before the public, were yet eagerly anxious for his success in the election. Regarding him as a pure and safe guide, a truthful man, a sincere lover of his country, and as gifted with the highest endowments both of mind and soul, they would have rejoiced to see him invested with the honours and command of the Chief Magistracy. By all this class of persons it was hoped, that when the Convention of December should meet, they would find it expedient to adopt Mr. Wirt as their candidate, and thus secure a union with that Anti-Masonic party, whose secession from their former political friends had almost fatally impaired the strength of the main body of those who were now to confront the popularity of General Jackson. It was sufficiently apparent to every observer, whose mind was not heated by the topical enthusiasm of Anti-Masonry, that that party, in its insulated position, had only strength enough to defeat the opposition to the administration, without being able to succeed itself. It could mar, but it could not make. It seemed to be almost equally clear, that the party to be represented in the December Convention, thus shorn of a portion of its force, could hope for success only upon the basis of a coincidence in the nomination with the Anti-Masons. Mr. Wirt was a centre upon which this combination might have been made. His principles had already satisfied the Anti-Masons, and the Convention of December could have found nothing to object to his political relations with them. Upon these grounds, many desired to see him adopted by the second Convention. There were others who thought that he would, eventually, resign his nomination in favour of the candidate of the December

Convention; believing that his influence would carry the Anti-Masons to the support of that nomination. It is very obvious that such a move, on his part, would have been fruitless; that it would have only offended the one party without adding strength to the other; in fact, that it would have exasperated many persons against both.

As December approached, all doubts upon the course which was finally to be taken, were dispelled. Before the Convention met, it was well known that Mr. Clay was to be the candidate; and almost as generally surmised that both Conventions were to be defeated in the election.

In this state of affairs we have another letter.

TO JUDGE CARR.

BALTIMORE, December 5, 1831.

MY DEAR FRIEND:

* * * * * *

"There seems to be no doubt of Mr. Clay's nomination by the Convention here next Wednesday. So be it. In a personal point of view, I shall feel that I have made a lucky escape. —— I told the Anti-Masons that they had rung the knell of my departed peace. I am relieved by seeing that I am likely to be reprieved. It is supposed, I have no doubt, that I shall be mortified by the rejection. How little do they know of me! A culprit pardoned at the gallows could not be more light-hearted. The simile, to be sure, is not altogether to my mind, any more than Corporal Trim's was to Uncle Toby's; but there is no small resemblance in the buoyancy of the feeling. As to the abuse I am to expect for having permitted my name to be offered, I do not expect much: but if it comes, let it come! My happiness does not depend either on the censure or applause of the vulgar. No man, whose good opinion is worth a wish, shall doubt the purity or disinterestedness of my motives.

"It has been suggested to me by a clergyman, that the Presbyterians are thinking of coming to my aid. I belong to their church. They are said to number a hundred and twenty thousand votes. My advice to them is, to stick to their religion, and not to sully it by mixing in political strife. They will make more hypocrites than Christians by such a course. This is bad advice as a politician, but sound as a Christian. When I say bad advice as a politician, I mean with regard to the particular occasion and the success of my election; for it is throwing away so much support which, I believe, my wish would command But on high political ground it is also sound; for the church and state should be kept separate, and religion should not be made a test for political service. As a Christian, I would wish to

see the President a Christian; for his example might do much good. But it would not do to make it a *sine qua non* in such an office. If otherwise honest and of superior capacity, that should be enough.

"Mr. Chase writes from Ohio, that the delegates to the Convention from that State will come prepared to support me. So White of Florida, thinks of some of them from Virginia—and Judge Spencer of some of them from New York. But I have not the slightest confidence in these things.

* * * * * *

"I tell you, mediocrity is the place for happiness at last — the *aurea mediocritas*. Give me the unpretending cottage in the vale, rather than the castle on the mountain. Oh, had I—not 'a cave on some far-distant shore' — but my plantation in Florida well stocked and settled, with a good house, my wife and children and a few friends around me, how happy would I be 'to daff the world aside!' But I am talking as if I were yet a youth, instead of standing, as I do, on the brink of eternity. 'Are we not here to-day, — and gone — to-morrow?'

"I have just read the President's Message. It is supposed to be from Livingston's pen. He writes well, and it is a well-concocted dish. If the Government was to be administered by messages, we should do well enough. But saying and doing are two things. These messages have become mere popularity-traps. What a varnish have we here of a sepulchre full of corruption! Nothing was ever more unlike than the picture and the reality — the outside and the inside. How is the treatment of the poor Indians white-washed! And the paragraph relative to the amendment of the Constitution for the restriction of the Presidency to a single term, and the non-appointment of members of Congress to office — was ever anything more incongruous with the practice! The President acts as if he supposed the Constitution *enjoined* a double term and the appointment of members, and as if he required a constitutional *prohibition* to prevent him from doing what he declares to be wrong in principle. The Constitution leaves him free to practise upon his own principles,—why does he not do it, if he deems them so sacred and vital to the public purity and happiness? — But we are to be blessed with his fair words and foul weather for another term.'

CHAPTER XIX.

1832.

HIS ILLNESS. — HIS DESIRE TO WITHDRAW FROM THE PRESIDENTIAL CANVASS. — LETTER TO JUDGE CARR ON THIS SUBJECT. — TRIAL OF THE CHEROKEE MISSIONARIES, WORCESTER AND BUTLER. — THEIR APPEAL TO THE SUPREME COURT. — DECISION IN THEIR FAVOUR. — COURSE OF GEORGIA ON THE SUBJECT. — FAMILIAR LETTERS. — THE CHOLERA. — LETTERS TO JUDGE CARR. — LETTER TO LOMAX, EXPLAINING MR. WIRT'S MOTIVES IN ACCEPTING THE NOMINATION. — THE ELECTION. — MR. WIRT DEFEATED. — DIFFICULTIES OF HIS POSITION IN THE CONTEST.

A VERY severe illness, during which, for a time, his life was thought to be in peril, had confined Mr. Wirt, for some weeks, at the close of the last year and the beginning of the present, to his bed. It was an attack of influenza, produced by cold. His constitution had become visibly impaired, of late years, by the frequent access of disease, induced often by his rigorous application to his professional duties. His recent sickness, at this period, it will be seen, did not wholly divert his mind from the solicitude produced by the late nomination. The determination to hazard the fortunes of the election upon Mr. Clay, with the irreconcilable division of the Anti-Masonic party in the field, he regarded as decisive of the result. His strong wish, therefore, in this condition of affairs, was to retire from the contest. The only impediment that stood in the way of this purpose was the difficulty of obtaining the consent of the Anti-Masonic party to the act. We shall find this subject adverted to and discussed in more than one of the letters which I have selected for this chapter.

TO JUDGE CARR.

BALTIMORE, January 12, 1832.

MY DEAR FRIEND:

Be it known to you and all whom it may concern, that on this day, being the first day of the fifth week since I was taken sick, I put on,

for the first time, my pantaloons and waistcoat, with my new crimson, embroidered wrapper from Paris, said to be lined with eider down,—and which looks so regally purplish and crimsonish, that I call it my Tyrian, Sidonian and Phœnician wrapper,—and supported only on my cane, left my bed-chamber, *mea sponte*, and sallied up to the room above me, to see my dear C—— and E——, who are both sick in bed, the former with a sore throat, which I hope is getting well, and the latter, of the same debility which, you may remember, made her so shadowy at the Springs last summer. My wife was up there with them at the time, and started, on opening the door to my rap, as if she had seen a ghost. The girls were greatly amused at the various antics I cut for their entertainment.

And now, having made my boast, I thank you, my beloved friend, in the first place, for your very interesting letter enclosing a copy of your's to Mr. W——. * * I cannot tell you how much I am amused at the simplicity and single-heartedness of your proposal to the Anti-Masons to go over to Clay. I do most devoutly wish they would do it;—but there is no more chance for Clay with the Anti-Masons "than for the Pope of Rome,"—as poor old J—— used to say. I should like to see W——'s answer to your letter;—for it may give me a clue, I am puzzled to find,—that is, how to find my way out of the labyrinth of this nomination, with honour to myself and without any offence to the Anti-Masons. W—— called to see me on his way through Baltimore, and I expressed to him a wish that it were possible for the members of Congress, representing the various interests in the opposition, to unite on some one candidate and give him the whole vote of the opposition. I told him I wished the Anti-Masons to understand that I had no desire for the office of President —that my paramount wish was to see the government rescued out of the hands that now held the reins; and I begged that, in endeavouring to fix on a candidate, they would consider me and the nomination I had received, as entirely out of the question. "That is," said G——, who was present, "that you wish the Anti-Masons to consider you as entirely in their hands, to dispose of you as they please," to which I assented, though, in truth, I wished W—— to understand something more by what I said, to wit:—that, perceiving the object I had in view in accepting the nomination (that of uniting the whole opposition,) not likely to be accomplished, I should be personally relieved in being withdrawn. The only answer I recollect W—— to have made was, that if the Anti-Masonic party was *dissolved*, there were not Clay-men enough among them to touch New York nor Pennsylvania, nor consequently to elect Mr. Clay.—From which it was manifest that he considered it *impossible* for the Anti-Masonic party to support Mr. Clay, and that nothing less than their dissolution could carry any of their members to him, and these only the Clay members.

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Clay's friends, I am told, have a project of dissolving the Masonic Lodges in the spring, and thus putting an end to Anti-Masonry, by destroying its antagonist. But the same consequence would follow, —that is, the Jackson men, now among the Anti-Masons, would relapse upon Jackson, not upon Clay, and thus render the election of the latter hopeless. How can Pleasants suppose, that if I *renounce* (as he calls it) the Anti-Masonic nomination, the Anti-Masons will all go in a body for Clay? It proves how extremely unobservant he has been, and consequently how ignorant he is of the rise and progress of the Anti-Masonic party. He seems to suppose that my nomination holds them together and in opposition to Mr. Clay. They rose upon their principle without any leader, and by their principle alone have attained their present formidable size, without the support or assistance of any individual name. I am persuaded that my name has tended rather to retard than to increase their progress. The party not having been formed upon my name, my withdrawal or death would produce no more effect upon them than the fall of a single leaf in October. They would still exist in all their integrity upon their principle, and that principle, of itself, places them in opposition to Mr. Clay! It would be quite as sensible and just to accuse me of having originated the party. There is not a party in the United States which is so purely a party of principle, in contradistinction to a party of men, as the Anti-Masonic party, * * And it is for this reason that I think they might safely withdraw their candidate for the Presidency, and rest the influence and increase of their party on their local elections.

I cannot conceive a rational or patriotic motive they can have for continuing me in the field. They cannot say that withdrawing me would dissolve or even weaken their party, for this would be admitting it to be so far a party for a man, and having no vital and conservative principle in itself;—which is, certainly not the fact. It existed in full vigour when it had no presidential hoop around it, and showed its power in the local elections. Why can it not do the same again? And if it can, what utility is there in keeping a presidential candidate in the field? What legitimate purpose of patriotism is answered by it?

The only sensible or reasonable purpose of nominating a man for an office is, the hope of his election;—the only sensible or reasonable purpose of *agreeing* to be nominated is, that the person may be submitted to the consideration of his fellow-citizens for the office. But after this has been fairly done, and the people have given the most conclusive demonstrations that they do not choose the individual proposed, but prefer another, what dignity, what propriety, what decency even, is there in continuing to press him? The effort becomes ridiculously foolish, and subjects both the candidate and his supporters

to the most ludicrous and disagreeable constructions. In my case, I thought I had no right to object to the Anti-Masons proposing me to the consideration of the people for the office of President. Every other chance of uniting the opposition had vanished. This alone remained, and, faint as it was, I considered it my duty to permit the offer to be made. It has been made, and refused. My only motive, therefore, for accepting the nomination is at an end. That motive was an honourable and patriotic one. It justified me in permitting the nomination to be made. But this having been done, the National Republicans having declared against the union, which alone I had in view, I can perceive, as I have said, neither dignity nor decency in continuing the nomination.

It is true, that, when I accepted the nomination, I knew that this state of things might arise. But it is not true that I knew, if it should arise, the Anti-Masons would still persist in the nomination. It never entered into my imagination that they could wish to do so vain and foolish a thing. What end can it answer to themselves? It will only expose their weakness. They cannot carry a single State, except, perhaps, Vermont. They cannot even organize an electoral ticket to the south of New York, except, perhaps, in Pennsylvania. In such circumstances, what a figure will they and their candidate make in a Presidential contest! It will annihilate them and me too, by the mere force of ridicule. So far, therefore, from advancing their party, by persisting in holding me up as the candidate, my opinion is that they will injure, if not ruin themselves by it. For what an absurd posture must they exhibit in the result! In the meantime, what a false light am I presented in before the nation? I consented to be nominated for the single purpose of union. This end having failed, my object is at an end, and the only course of consistency is for me to withdraw. If I still remain before the public, I exhibit the appearance of counteracting the very purpose which alone I had in view, and permitting myself to be used as an instrument of disunion. I exhibit the appearance, too, of a sickly vanity and morbid appetite for the office, which is utterly false; for I loathe it, and felt that I was making a personal sacrifice when I consented to be offered for it. And yet I fear the Anti-Masons will not let me off.

It will be said that I accepted without any condition of withdrawing in the event that has happened. But does not common sense imply such a condition, in every such case? Does any man consent to be run for an office for which he knows, at the time, there is no possible chance for his election, and that even the attempt will become ridiculous. What more is the acceptance of a nomination than a consent to be proposed to the consideration of the people for an office, on the calculation that the party *may* be approved and his election carried? But when this has been done, and the people have given the most significant demonstration against the nominee, what inconsistency is

there in his wishing to be withdrawn? As to their election for 1836, which they think they will be able to carry, my engagement does not extend to that,—and as to permitting myself to be nominated now as a mere party instrument, to raise the party without any reference to the success of the election, such an idea never entered my mind. I have a great deal more to say—but no room, and I am tired.

Yours ever and ever,

WM. WIRT

The annual session of the Supreme Court had now commenced, and there Mr. Wirt repaired, as soon as his returning health allowed. Amongst other cases of importance in which he was concerned, were those of the missionaries, Worcester and Butler, against the State of Georgia.

These cases constituted but another chapter in the story of the Cherokees.

In the course of the legislation of the State of Georgia against the tribe, an act was passed in December 1830, in which, amongst many other disabling provisions, was that to which we have adverted in a former chapter, forbidding any white person to reside within the limits of the Cherokee Nation, without a license from the Governor of the State and an oath previously taken to support and defend the Constitution and laws of Georgia. The punishment prescribed for a violation of this enactment, was confinement to hard labour in the penitentiary for a term not exceeding four years.

The religious societies of the United States had supplied these Indian tribes with missionary clergy, who having the license of the Federal Government to settle amongst them, had naturally and very justly obtained, as we have remarked, a commanding influence over these people.

In the controversy which existed between the Cherokees and the State of Georgia, the Missionaries were charged with having encouraged the Indians to resist the policy of emigration. A belief in this charge had begotten an angry and exasperated prejudice against them, as the chief contrivers and counsellors of the opposition. It was believed, and perhaps justly, that, but for the Missionaries, the tribe would have yielded to the wishes of the Government, and have gone peaceably to the new home provided for them. The report of the Secretary of War upon this subject in 1828, indeed, expressly charges

some imprudences upon them in this respect. "The annual appropriation"—he says,—"has had the effect to draw to almost every Indian reservation, in addition to the agents and interpreters, a considerable number of Missionaries and teachers with their families, who having acquired, principally by the aid of this fund, very comfortable establishments, are unwilling to be deprived of them by the removal of the Indians; and thus we have found, that while the agents specially employed by the Government for this purpose are engaged in persuading, by profuse distributions of money and presents, the Indians to emigrate, another set of government-agents are operating more secretly, to be sure, but not with less zeal and effect, to prevent such emigration." He adds—

"These remarks are not intended as a personal reflection on the Missionaries and teachers, much less on the pious and respectable patrons of these benevolent institutions, who, no doubt, are disposed to lend a ready support to every humane measure which the Government may think proper to adopt in favour of these depressed people; but are rather intended to show the natural and unavoidable tendency of the system itself to counteract the leading policy of the Government."

This is but another fact to demonstrate the incongruity of the course pursued at Washington, with the obligations which the Government had assumed in reference to the relations of the Cherokees to the State of Georgia. No one, certainly, could censure the Missionaries for the benevolent assiduity with which they devoted themselves to the purpose that had been so strenuously encouraged by the Government through a series of years. That they should take great interest in the success of their labours, form strong attachments to the tribe, regard with complacency the progress of civilization of which they were the agents, and desire to render permanent the beneficent relations of Christian pastors to their simple flocks—of teachers and pupils—and to protect them in their homes, was a sentiment too natural and too virtuous not to disarm, one would suppose, the hostility even of those who suffered most from the effects of the system. The temper of Georgia seems, however, at this time, to have been heated beyond the point to which argument is usually available. The legislation of the day indicates stubborn and even fierce resolve

to close the whole controversy by decisive blows, which should strike down the adversary without further parley.

The enactment to which we have referred was directly pointed at the Missionaries.

Amongst these pastors and teachers of the tribe, was Samuel A. Worcester, a citizen of Vermont, who had been sent to reside amongst these Indians by the American Board of Foreign Missions, and was a resident in the Nation at the date of the passage of the Georgia act. He resided with the tribe under the permission of the President of the United States. He had no license from the Governor of Georgia, and had not taken the oath required by the act of that State—an oath, incompatible, as he deemed it, with the character of his duties in his station. Elizur Butler and five others stood in the same category.

They were arrested by the officers of the State, indicted, and tried in Gwinnett County, in September, 1831, and each of them sentenced to hard labour in the penitentiary for four years. After conviction, a pardon was tendered to each, upon conditions of conformity with the policy of the State. Five out of the seven who were indicted, accepted it. Worcester and Butler refused, and took an appeal to the Supreme Court against the judgment which subjected them to this ignominious punishment. The Board of Missions employed Mr. Wirt and Mr. Sergeant to argue the cause. Georgia, as in the former case, refused to appear.

We have no report of the arguments of the counsel in this cause, beyond a brief statement of the points discussed by them. The questions, however, were fully examined, and the speeches are said to have been characterized by all the vigour and ability which belonged to the eminent professional talent employed.

The Court decided "that the act of the Legislature of the State of Georgia, upon which the indictment was founded, was contrary to the Constitution, treaties and laws of the United States;" that the plea of the defendants was a good bar and defence to the indictment, and ought to have been allowed; that the sentence ought to be reversed and annulled; and that the defendants below be dismissed therefrom.

The opinion was unanimous, with the exception of that of Judge Baldwin, to the form in which the record was returned to the Court.

It was said, before this trial, that the State of Georgia would no respect to the decision of the Court. It so turned out. The judgment was treated as a nullity, and the Missionaries were still retained in the penitentiary, until the Governor of Georgia thought proper himself to release them.

No further judicial proceedings were attempted. The President of the United States gave but little hope of the favourable interference of the Government in the controversy. The Governor of Georgia is said to have declared he would rather hang the Missionaries than liberate them under the mandate of the Supreme Court. Nothing was left for the prisoners but to wait for a day of cooler judgment and more moderate counsels. After some eighteen months, this day arrived. The contest had grown hopeless to the weaker party. The Missionaries were released; and here ended this extraordinary chapter in the history of our free Government.

We return now to the more private life of the subject of our narrative, and busy ourselves, once more, with that insight into his mind and feelings which always presents a topic of interest in the study of human character.

In a rambling letter to that friend, who more than any other shared his most intimate thoughts—Judge Carr,—he writes in May—"If I were, as I used to be at Pen Park, with a good deal of time on my hands, with the silence and tranquillity of the country around me, with the buoyancy of youthful feelings, and a brightening world in prospect, to raise and incite me, and with a dear friend, of my own age, at Dunlora,* to read and applaud, I should enjoy it. (In the preceding portion of this letter he intimated a purpose of writing a review, to which this refers.) But alas!——However, as Byron said, "no whining,—let us be a man to the last!" Yet, in very truth, my dear friend, I am very weary and sick of public life and its affairs—for I am, in some sort, implicated in public life. I am tired of being on a public theatre, gazed at, talked of, written of:—I should have no objection to it, if our country were as it has been. But so much faction, corruption, intrigue, and impenetrable and imperturbable stupidity and infatuation pervading the community, with

* The allusion is to Judge Carr himself who lived at Dunlora, it will be remembered, when Mr. Wirt was an inmate of Pen Park.

such a prospect of things becoming worse—that I wish I had a villa in Florida, or somewhere else, to retire to, and beguile the painful hours, as Cicero did, in writing essays, political, literary and religious. I have no enjoyment connected with this earth but in the bosom of my own family, and the small circle of dear friends who are yet left to me. If I could get anything like a decent price for my property in Richmond and Washington, and my surplus lands in Florida, I would settle a plantation for the support of my family, and beat, at last, a retreat from the gaze of public life and public men. For, I confess, I am "a disappointed man,"—not as to personal celebrity, for I have more of that than I deserve—but disappointed in my country and the glory that I thought awaited her;—disappointed, most sadly, in the intelligence and virtue which I had attributed to our countrymen;—disappointed in life itself, which is, indeed, all vanity and vexation of spirit. But, adieu to these *jeremiads!* We have nothing left for it but to do our duty, and leave the issues to Providence. You act wisely, as you always do, in gliding along as peaceably as you can, making the best of every thing, and not 'fashing your head' too much about what can't be helped. I wish I could follow your example. But, I believe it is in the constitution, and mine happens to be a little too much of the 'gum taffeta' order. Doesn't Falstaff talk of '*fretting* like gum taffeta?'"

This is sad enough. We shall find his mood brightening somewhat in the sequel. To Mrs. Wirt he writes from Annapolis, in the midst of business, not long after this,—"When shall I ever again be free from the cares and anxieties of life! Never, while I am *in* life, with objects so dear to me as I now possess, and means so precarious. There is one moral truth of which I would make a practical use—that life is but a change of cares, and, consequently, relief from one only gives play to the succession of some other. So 'what's the use of'—laying the present care to heart, whatever it may be? We might as well bear this as its successor. And what are they but so many insects that tease us for a moment with their buzzing, and then disappear forever? So, let us up with our mosquito-bar, and—'Away with melancholy.' I am unwilling to leave behind me the character of having been a moping, melancholy old hunks. Fie on such a thought—away with it! and

'On the dewy green
By the glowworm's light,
&c., &c., &c. Allegretto.

"'T is time for a conference with my colleagues, being now candle-light Whip-poor-will—the first I have heard this year. Not quite equal to the wood-lark."

There is still more sunshine in the following, written again from Annapolis, in June:

"How do you do, my dear wife? Is the rheumatism gone? How does the garden come on, and the canary and the linnet, and the sky-lark, and the mocking-bird? And how do 'the bees suck,' and 'the fairies dance,' now, my dear girls? And how do the early rising and the studies go on, boys? — and the flutes, and all that sort of thing? I feel quite excited, and miss you all most exceedingly much. My solitary room, and my solitary *siesta*, are not to my taste. I want to take my nap in company, as my children always prefer to get their lessons. Apropos, wife, I have not taken one pinch of snuff since I left home, though continually tempted with other people's boxes. I am sometimes truly disposed to reward my conscience for holding out so well. To speak the truth, there is still a considerable titillation around the region of the nostril—but my desire for snuff is so feeble, that it scarce deserves a mention. I shall keep aloof, and in about a fortnight more I suppose I shall be thinking, as I did in Washington when I quitted it once before, — what will become of all the snuff-sellers? They will be ruined:—as if all the world had left off snuff because I had. I remember very seriously feeling this compassionate sentiment for Duport and Johnson, the tobacconists. Their prospects appeared to me to become suddenly quite magnificently bright, when I resumed snuff.

* * * * * * *

"The world and its enjoyments did not seem vanity and vexation even to Solomon, in the days of his youth; — and so, when *we* were young. There have been many days and weeks in my life, since I first heard this sentiment, when I could not have endorsed it. I fear that we both feel and express it too deeply *now*:—we may tinge with a premature melancholy, the otherwise cheerful and buoyant character of our children. This would be a pity. Melancholy is not a neces-

sary quality of religion. There is enough, indeed, in the wide-spread delusions, and follies and sins of the world, to make us all sad and sorrowful. But 'what's the use,' &c. !—let us strive to take care of our innocence, and do all the good we can, and go on our way rejoicing in Him 'who is mighty to help and to save.'"

These transitions from joy to sadness, manifested in such confidential intercourse as this, furnish an infallible index to the secrets of a mind which but half expresses the griefs it has vainly attempted to over-master. It is a strange thing to contemplate — this fellowship of sorrow and mirth in such intimate alliance.

This year, 1832, was the year of the cholera in the United States. It appeared in Quebec in May and June, had reached New York in July, and Baltimore in August. Mr. Wirt's health was still feeble. During the hottest season, he visited Bedford Springs, in Pennsylvania, and went from thence to Bath, in Morgan county, Virginia. Here, with all his family around him, he spent the greater part of September, waiting for the day when his physician should inform him he might safely return to Baltimore, without apprehension from the prevailing pestilence which, during a portion of that month, made great havoc in the city. From this point we have the following letter:

TO JUDGE CARR.

BATH, August 22, 1832.

MY DEAR FRIEND:

In the Parthian shot you gave me on your departure from Richmond, you did not tell me where an answer would find you. * * I have been at the Bedford Springs, not to run from the cholera, but because it seemed to be thought that I must make an excursion somewhere, and my children, who were to accompany me, wished to see that place. * * With the aid of a barouche, a baggage-wagon, and three saddle-horses, we got along pretty comfortably. We reached this place yesterday.

* * * * * *

I have not your last letter, and cannot recall all its topics; but I remember N—— had led you to believe I was desponding, and weary of life. I am not conscious of this. N—— was apologizing for not having called to see me, in Richmond, by the sickness of a child which he lost, and expressed himself with a countenance and a voice so sad, that it touched the responding chord of my own griefs. I spoke of

the insignificance of life, I dare say, gloomily enough; but N—— had no more right, from such an incident, to suppose it my general habit, than I had to suppose it to be his.

I am not a croaker, my dear friend—at least, not an habitual one. I do not think it either philosophical or christian to quarrel with life. Our Maker has placed us here, and it is our duty to act well our parts, and leave the issues to Providence. I believe I am quite as cheerful as men of my age generally are—I mean reflecting men. Recklessness sits well upon no one at this time of life, except our friend Pope, who is and will remain a constitutional evergreen—a fall-blossom even on the ruggedest cliffs of life, like the mountain ivy on the precipices beyond Clover-dale. So, don't think me such a milksop as you seem to do. Does any man who is approaching sixty consider life and the world as he did when he was young—when hope and fancy threw their colours all around us? Fancy has only played me the same trick, with regard to the world and life in general, as she has done in every particular scene of it. I have been always expecting more, both from people and things, than I have realized, because I expected romantically, and not rationally. It is the proper chastisement for an excessive imagination. It balances the account of human happiness between the imaginative and the unimaginative. The first derive a great deal of visionary pleasure from anticipation. The latter are without this pleasure, but then they are free from the pains of disappointment. They derive a quiet, equable pleasure from the incidents of life, unalloyed by overwrought expectation. I have been one of the sanguine in my youth, and it must be allowed me to have an additional groan or so, under the discipline of experience, and that rough aspect of "things as they are," which the course of life is continually revealing. But I am not such a driveller as to sit down and cry over my spilt milk, and spoiled bread and butter. On the contrary, be it known to you, I can keep as stiff an upper lip as most people. So much for this important affair of *ego*.

Your friend,

WM. WIRT.

When he returned to Baltimore, his attention was drawn more pointedly to the election. As the autumn advanced, it became daily more apparent that the division between the National Republicans and the Anti-Masons, had rendered the success of the opposition to General Jackson more than doubtful. There were some persons who believed that General Jackson could not obtain a majority in the electoral colleges, and that, consequently, there was a probability of the election being transferred to the House of Representatives. Judge CARR was one who looked upon this result as within the chances of the

canvass, and so wrote to his friend. What Mr. Wirt thought of this will be seen in his reply.

TO JUDGE CARR.

BALTIMORE, October 25, 1832.

I thank you, my dear friend, for yours of the 22d. It is quite cheering to see you so playful and merry in these sad times.

* * * * * *

So, I thought you had dismissed all ideas about the Presidency—all such, I mean, as you throw out in your letter. It will be a strange affair if it should happen. But I have no thought of it. "The game is, certainly, within the power of the dice." But it requires so many fortunate throws in succession, that it would be next to a miracle to win. As for me, I have never considered myself as playing it, or being in the game at all, for my own use or for any public good connected with me, since the nomination here last December. I have never believed, since that nomination, that the opposition would succeed. I do not believe it now. They might succeed by a cordial, zealous union—but it must be cordial, zealous, universal; that is, it must embrace the whole opposition, and they must act with one heart and the spirit of brothers. This they will not do. The late elections in Ohio and Pennsylvania prove it. They may co-operate so far as to make a brilliant fight, and show what unanimity could have done. But I think they will be defeated even in Pennsylvania and New York. Others, who ought to know better, think differently. But I have no reliance on their calculations, since their sanguine predictions of ten and even twenty thousand majority for Ritner,* and the perfect certainty with which they counted on Ohio. They pretend to tell us that these elections failed for causes not likely to operate on the Presidential contest. I have no faith in these posthumous consolations. Have I seen you since the receipt of those letters which conjured me not to withdraw?

* * * * * *

I will say that our Constitution has had no such trials as it is now encountering, and is likely to encounter in the next four years. According to General Jackson's principles, our government is a despotism. His veto doctrines, as illustrated by his practice, virtually annihilate both Congress and the Supreme Court. If the people sustain him in these doctrines, as there is but too much reason to fear they will, what are we to expect in the next four years? If he shall be again elected, after what he has avowed and done, I believe if he

* The opposition candidate for Governor in Pennsylvania, who, in this month, was defeated in that State. The State election in Ohio had also just gone against the same party.

were to send a message to Congress telling them that the country had no further occasion for their services, his presses and his corps of mercenary appointees would endeavour to persuade the people that it was a patriotic act, would save a great deal of expense in the pay of members, and that the country would be as well governed without them as with them.

Yet, what a country might this become in the hands of such men as preceded this administration?—a set of men capable of valuing our beautiful and noble institutions; of inculcating their inestimable value on the body of the people; of inspiring a reverence, a love for them among the rising generation; of keeping the people pure and making them feel their own value, and, in their own example, setting the fashion of patriotism, of deep and ardent devotion to the Union, of a noble passion for the true glory of our country and the perpetuation of our free institutions. If we could only have half a dozen Presidents of this cast—nay, if, at this time, we could have one—what a glorious deliverance would it be from the evils that beset us! I should be content to go to my grave praying for it, if I could hope my children would live to see such a restoration of the golden age that *we* have seen.

* * * * * * *

Like you, I have sometimes hopes—not for myself—but for Clay. If he can but lead up the Western States handsomely, and we can save Pennsylvania and New York from the grasp of the administration, we may bring him in. My opinion is that the election ought not to be permitted to go before the House. If Clay can get the votes he counts on, he ought to be elected by a union in the electoral college. If I can effect this, it shall be done. I have no idea of suffering myself to be thrust before the House of Representatives for their votes, and I will prevent it if I can.

* * * * * *

Your friend,

WM. WIRT.

The Presidential election was held in November. The first news received from Pennsylvania and New York was decisive of the contest in favour of General Jackson. At this juncture Mr. Wirt wrote the following letter to an old friend in Virginia:

TO JOHN T. LOMAX.

BALTIMORE, November 15, 1832.

MY DEAR LOMAX:

* * * * * *

You will see that your apprehensions have been realized. I thank you, my old friend, for the kind sentiments you continue to cherish

for me. But, remember, I never was, and never shall be, an aspirant to the Presidency. I never sought the office, never expected it, never wished it for its own sake, nor my own sake. My name would never have been upon the roll by any movement of my own, nor with my own consent, if it had not been previously ascertained, beyond doubt, that Mr. Clay could not be elected. The bare ascertainment of the fact that there existed in New York and Pennsylvania such a party as the Anti-Masonic, whose principles forbade them to vote for Mr. Clay, put the seal upon his fate. It forbade the possibility of his taking either of these States. Without them, his election was impossible. This simple fact, which my friends have seen and acknowledged within the last six months, was as manifest to me in September 1831, as it is at this moment. It required only common sense acting on common facts, for all to see it who are willing to see it. With the demonstrated certainty before me that Mr. Clay could not be elected, when the Anti-Masons declared they would put some one in nomination before they adjourned, upon whom they would cast all their votes, whether they could elect him or not,—another thing became equally manifest to me,—that the opposition to General Jackson could not succeed but by the help of the Anti-Masons, and consequently there remained nothing to be done but to give up the field to Jackson, or attempt to concentrate the opposition on a single candidate. That candidate could not be Mr. Clay, for the Anti-Masons had declared that they could not, upon principle, support him. To whom then were we to look? Calhoun was placed *hors de combat* by the nullification movement. Adams, Rush, and McLean had declined the Anti-Masonic nomination. The Anti-Masons were determined to nominate before they left Baltimore, and would probably have nominated some one to whom the National Republicans could not have gone. It was in this hopeless state of things that the nomination was unexpectedly brought to me, and pressed upon me. It seemed to be the last remaining chance for us, and I accepted it, most reluctantly, because I considered it a public duty to do so.

As soon as I found that the National Republicans would not give up Mr. Clay, but would press him, even with the certainty of defeat before him, my wish was to withdraw. But the Anti-Masons insisted I had no right to do so, and both Mr. Clay and his friends thought it best for him that I should not. They knew, if I did withdraw, the Anti-Masons would immediately nominate some one else, and, by attributing my retirement to Clay's influence, would become more hostile to him. Whereas, by my remaining, they believed that some plan of co-operation between the two divisions might be devised, which would operate favourably to Mr. Clay—in New York, at least, if not in Pennsylvania. My name, therefore, remained before the public, because the Anti-Masons demanded it as a right, and Mr. Clay and *his* friends thought it best that it should be so. In the canvass I took

no part; not even by writing private letters, which, on the contrary, I refused to answer whenever such answers could be interpreted into canvassing for the office. I never expected Mr. Clay's election or my own, from the moment I saw that the opposition would not unite upon either of us. Towards the close of the scene, some appearance of union was presented, both in Pennsylvania and New York, which inspired some with hopes; — but I saw the papers on both sides, and knew well that such a growling, mutually-abusing and defying sort of union could end in nothing but disunion and defeat. So it has been. We have lost Pennsylvania and New York, with a majority certainly in the opposition, and several other States in like manner.

I see that General Jackson has been already nominated by one of the northern papers for a third term. My opinion is, he may be President for life, if he chooses.

* * * * * *

I have placed the history of my connection with this subject before you, because I wish my friends to understand the motives by which I have been actuated throughout this affair. Both divisions of our opposition have behaved unwisely. They had the game in their own hands: they have thrown it away by their own dissensions, and I shall probably be censured for having afforded the only possible chance of so uniting the opposition as to have made it successful.

* * * * * *

I remain, my dear Lomax, your friend of thirty-two years,

WM. WIRT.

The result of the election was that, out of two hundred and eighty-six electoral votes which were cast in the colleges, General Jackson received two hundred and nineteen, Mr. Clay forty-nine, Mr. Floyd, who took the vote of South Carolina, eleven, and Mr. Wirt seven,— these seven being the votes of the State of Vermont.

So ended this canvass,— singularly disproportioned in its results to the promises, rather than hopes, with which it began. So ended it, we must say, happily for Mr. Wirt, since success would have brought him nothing but cares which would have touched with additional sore, a mind now in the yellow leaf, and with which, in physical condition he would have been unable to struggle. To one so thoughtful, so fond of the quiet of domestic life, so sensitive to the disgust of public or private vice, as he, the importunities and incessant collisions of high political station would have been but the daily repetition of intolerable annoyances. His own choice, we may confidently believe, would never have brought him into this unaccustomed field of politics

The nomination took him at unawares. That it momentarily dazzled his ambition, even unconsciously to himself, I think it is apparent enough from the facility with which he persuaded himself to acquiesce. That it brought him nothing but anxiety and disquiet, and that he very soon wished himself rid of it, is equally clear. He found some indemnity for these discomforts in the abundant manifestations afforded by the newspaper press, of the kind and considerate respect which his personal worth attracted even from his political opponents. The press was singularly good-natured, and paid an honest tribute to his virtues. Scarcely a word was said to his disadvantage.

The whole of this political episode, which stands strangely out of the general harmony of Mr. Wirt's life, shows how little he was adapted by nature or by education to the sphere of the party politician. Simple and direct in his estimate of duty, courageous in conforming to it, candid, confiding and credulous, all these qualities of his character were successfully invoked by the Convention which conferred upon him the nomination. He accepted it in perfect *good* faith, and with an earnest persuasion that he was performing a duty of the highest import to his country. He thus suddenly found himself made the centre of a political combination of the strength of which he positively knew nothing, and from whose very constitution, a little reflection would have shown him, it derived no other power than that of mere frustration by dissent. It was a discord in the general politics of the nation. Mr. Wirt vainly hoped that it was to be made an instrument of harmony. More wary and practised statesmen had refused the offer which he accepted. They stood aloof from an engagement, which they foresaw was to lead to an unprofitable division of forces, which, marshalled in the most compact array, would have entered the field with but doubtful hopes. Mr. Wirt did not stop to inquire why they had refused. If he had done so, he would have learned what they thought of the practicability and expediency of organizing a party upon an ephemeral question, which had no substantial affinity with the higher operations of government;—which was, at best, but a question of police,—better adapted to the municipal notice of the States than to the sphere of federal jurisdiction. He would have seen that this was but the effervescence of a sudden discovery, which had heated the minds of some sections of the country,

without, in any degree, disturbing the equanimity of the great body of the nation: that men of ardent imagination and temperament had so magnified an abuse of social organization,—a grievous and most flagitious abuse, we admit—as to put its correction above all other duties connected with political administration. It was an abuse which was already corrected. Its discovery was, in itself, a full and absolute correction. It could not possibly recur.

The organization of the party was tainted with another fatal weakness. It was, in its very conception, an exasperation and an offence to a large and respectable mass of upright and intelligent citizens of the country—all that body of masons who were as ignorant of the New York outrage as they were innocent of the principles upon which it was alleged to be justified. Nothing could reconcile them, under any condition of things, to take part or lot in the movement which was now conducted under the name of the new candidate. Not even Mr. Wirt's estimable character, his great talents, his gentle and just nature, could disarm their implacable hostility. The result proved all this. The Anti-Masonic force was insulated, incapable of coalescing with, or attracting others. It was short-lived: a few paroxysms of political effort, in subsequent years, were followed by utter dissolution. The country heard no more of Morgan abductions, no more of masonic persecutions. Masons are now inoffensive citizens. The discovery, as I have said, was an effective and ample remedy. Parties of the same kind have been attempted since. Even now we are not without them. They will sink, like this prototype, into oblivion.

Every one who observed the movement, of which I have given the history, will do full justice to the sincerity and conscientiousness of Mr. Wirt's whole course in reference to it. His most confidential letters, from which I have made extracts, speak the honest truth of a guileless and earnest mind. Happy would it have been for the country, if even this incident had elevated such a mind to the control of its affairs! It is a pleasant subject of contemplation to see such simplicity of character, so unpractised in the tactics of political management, so unskilled in counting the chances of the adventure, so direct in the recognition of public duty, obeying its own impulse to do what is right. A man of masterly ability, of the highest cultivation

of mind and refinement of taste, and of the most unaffected virtue, in such a position, is a rare sight in any government. The success of such a man in any, is an index both of social and political excellence to which few nations have ever attained—or, having attained, have long preserved.

CHAPTER XX.

1833—1834.

UNDERTAKES TO MAKE A SETTLEMENT OF GERMANS IN FLORIDA. MR. GOLDSBOROUGH TAKES CHARGE OF IT. — PARTICULARS OF THIS ADVENTURE. — HOPES OF SUCCESS. — ITS FAILURE. — MR. WIRT'S HEALTH VARIABLE.—A RE-NOMINATION FOR THE PRESIDENCY SUGGESTED. — MR. WIRT'S ANSWER TO THIS.—NULLIFICATION.—LETTER TO CARR ON THE RIGHT OF A STATE TO SECEDE FROM THE UNION.—LITERARY SUBJECTS.—LETTER TO CARR.—ADVICE TO STUDENTS.—CHRISTMAS LETTERS.—MR. WIRT VISITS WASHINGTON.—HIS ILLNESS.—DEATH.—NOTICE OF THIS EVENT BY THE SUPREME COURT AND BY CONGRESS.

Mr. Wirt had now passed his sixtieth year. Many a pleasant vision of future repose had fled from his perspective: many a day-dream of affluence and leisure had vanished. Those fond fancies of rural comfort, which sparkle so pleasantly through his correspondence —the villa, the library, the grove,—

> "Mollia prata, gelidæ fontes, vivoque
> Sedilia saxo,—"

these captivating castles in the air which had haunted his reveries and beguiled his hopes through so many years of toil, luring him with the thought of a happy old age devoted to literature and friendship,—all these had sunk before the sad realities of disease, incessant labour, affliction, public care. Religion alone, the truest guide of life, the sincerest friend of age, made good the promises of youth, and more than accomplished all that it ever led him to hope. There was no

disappointment which it did not indemnify, no grief which it did not compose.

Through nearly forty years of devotion to professional life, the greater part of this term holding eminent position at the bar, he had not yet amassed sufficient wealth to render him independent of labour. He had a large family. Of twelve children, eight were yet alive. These had been educated with every advantage which the country could supply. His hospitality was liberal; his expense was necessarily large. A prosperous practice of the law, under these circumstances, left him no great residue for accumulation. We have already adverted to the establishment of his son-in-law, Judge Randall, in Florida. Mr. Wirt had purchased large tracts of land there, and had long indulged the hope of removing to that region, where, in its genial climate and in the cultivation of its fertile soil, he might enjoy the comforts of a serene old age. His second daughter, Elizabeth, had recently married Lieutenant, now Captain Louis M. Goldsborough, of the Navy — a gentleman who deservedly attracted the warmest affection of the family to which he was allied, and the special confidence and esteem of the father. Upon his advice, Mr. Wirt determined to make the experiment of settling and cultivating his Florida lands with a large number of German emigrants. It is only necessary for me here to say, that the experiment was made at considerable expense, and that it soon proved to be a failure. About a hundred and fifty emigrants were transported to the settlement, where, after a brief sojourn, they faithlessly abandoned their contracts and the service they had undertaken to perform. The following extracts from the correspondence of this period, will furnish some amusing and instructive insight to this speculation:

TO JUDGE RANDALL.

BALTIMORE, January 1, 1833.

* * * * * * *

"If the project succeeds, there will be a safe and ready and peaceful refuge for my family in the event of my death.

* * * * * *

"If I could live to see them comfortably established on their own lands in Florida, life would go out with me as sweetly as a babe sleeps. Do not infer from this that I am in ill health or despondency

I am uncommonly well and quite cheery. My family and friends are surprised at my good looks, but I have had admonitions enough, by my own attacks and by the death of friends, to be anxious to set my house in order.

"I have been uneasy for several years, at your being destitute of churches and ministers of the gospel, and am rejoiced to hear you are, at last, meditating an establishment of that kind. I see no objection to Episcopalians and Presbyterians uniting in the support of a minister of either Church. I am no doctrinarian — but I hope I am a Christian. I count all Christians, of whatever denomination, my brethren. I would support a Baptist or Methodist, if he were a good Christian and a good preacher, as soon as a Presbyterian. Nay, I would support a good Roman Catholic preacher. What Christain would hesitate to acknowledge Massillon for a brother? A sincere and humble Christian, a true believer, a Christian in spirit and in truth, is all that I care for in religion. If to this be added such a knowledge of the English language as will enable the preacher to speak grammatically, and with sensibility enough to clothe his subject with interest and bring it warmly to the heart, I would have all I should demand. But, for so many children to be growing up *with*out ever seeing the inside of a Church, or hearing the word of God, or having that most interesting of all subjects impressed on their young hearts, is most afflicting to think of. I can scarcely do so without tears. ——If I lived in the country, I would have family prayers every night and morning. It is an appropriate mode of opening and closing the day, and puts the heart in fine tune, either for business or peaceful repose. It has so excellent an effect, too, upon children, to see their parents in earnest on that subject of eternal consequence. Whereas, seeing those they so much revere, living without God in the world, is an example of the most awful consequences both to parent and child."

* * * * * *

WASHINGTON, January 29.

* * * "There are many Germans of sober and industrious habits, walking on the Avenue here. They have their wives and children. Many of them are mechanics, carpenters, mill-wrights, bricklayers, &c. How would it do to send a hundred and fifty of these people out, under Louis Goldsborough, to work my lands on shares? Might not such a colony be made profitable? They would have no negroes mixed with them, but would form a settlement of their own. I should have to supply a year or two's provision, with all the stock, tools, &c. Such an establishment has succeeded very well at Lanark, in Scotland, — why should it not do here?

"I am extremely desirous to get out of the gears if I could. It

is time I should do so. I have not lived a lazy life, though, under my bad management, it has not been a very profitable one."

* * * * * *

TO MRS. WIRT.

WASHINGTON, January 31.

——"Here I am waiting for my causes, and, meantime, helping Louis with his whaling project, as he calls this German scheme. The whaling voyages, he says, suggested it to him. The only pay the sailor gets in these voyages is what they call a *lay*; that is, a share of the profits. And yet they are the happiest and most faithful of seamen. I have been so often baffled in my attempts to settle our Florida tract, that I expect the same disappointment in this attempt. Yet Louis and his other friends are so sanguine that I begin to suppose the thing may be possible. I offer to take them out at my own expense, support them till the plantation will maintain them,—to buy cattle, hogs, sheep, &c., to find horses, mules, and all the utensils necessary to the plantation, and to give them one-third of the clear profits. They are to go with Louis, and to be placed under his government and direction. Their preacher, a Calvinist, will accompany them, and is to be the schoolmaster for their children. They will form a fine little village in the settlement, with their gardens in the rear of their dwellings, a broad street between, and a church, schoolhouse, and parsonage at one end. In short, if they prove faithful and honest, it will be a thriving and happy establishment. And as they will be well educated, intelligent, moral and Christian, it will be, if Providence blesses the design, a most princely establishment for you and our children. It is a part of the arrangement that there is not to be a *black* on the place. The project is new in our country, looks rather visionary, and very like one of the castles in the air; but practical men here think it must succeed."

February 4.

"'Six days shalt thou labour,' is a command which I, at least, have no power to disobey. I have before me weeks of preparation in the mammoth cause from Florida, but as there is a cause from Pennsylvania on the anvil, that threatens to take a week, I may 'lay on' without interruption from the court. The only danger will be from my Wirtemberg vision, of which my day-dreams are beginning to be informed, in spite of my philosophy, which has been so well disciplined to disappointment. I shall not feel on *terra firma* in this project till the people all get out, and I hear that they are comfortably settled and well pleased. Putting aside all notions of splendour and magnificence, which we ought not to desire, it cannot be otherwise, if the country continues healthy, than a comfortable asylum both for

them and us. With abundance and peace, and the neighbourhood of those good, simple-hearted creatures, with their German hymns and their church and school, their bands of instrumental music of a summer evening, their rosy-cheeked children and laughing faces blessing and blessed by them, I could not close my days more comfortably to myself than surrounded by them and my own family. 'But no visions, Mr. Wirt. It may vanish in three days like a dream. You are not on terra firma yet. The bog is shaking under your feet, and may play you a Bride of Lammermoor trick.' Very true, Mr. Croaker. But it may also prove a land of flowers — a Florida — an oasis in the desert. So, heads up, eyes bright, and hearts firm, trusting in God. ''Tis ours only to draw the bow; it is his to direct the arrow.'"

TO JUDGE RANDALL.

February 4.

"Mr. Muhlenberg, a member of Congress from Pennsylvania, himself of German extraction, and well acquainted with the character of those people from the south of Germany, thinks the plan an excellent one, and is only astonished that the gentlemen of Virginia had not thought of it sooner. He says he can anticipate but two objections. First, of climate; and second, the ignorance of these people in the culture of sugar and cotton; both of which objections being overcome to his satisfaction, he says, in concert with every other person to whom the plan has been explained, that it must succeed. I drew out the plan in writing, in five or six folio pages, of which the German minister made, in one night, a German translation. This man has only been in this country since October, yet his translation, Mr. Muhlenberg says, is not only accurate but beautiful. This proves the Rev. Mr. Mohl to be a fine German scholar.

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"I have guarded against elopement as well as I can. My plan is cast with reference to this apprehension. I have them all of the same religion — Protestants — and from the same German province, or the neighbouring one of Bavaria. I send out their preacher with them, who is to be, at once, their pastor and schoolmaster. They are to be established in a village form. Before they move, all the adults are to be bound by covenant for five years; all the children till twenty-one. There is a distinct provision that Mr. Goldsborough shall always hold back their share of the profits for one year, which they are to forfeit by infidelity to their engagements. But, chiefly, it is made their interest to stay and to be honest and industrious, by having every thing found for them, being sure of a support in a delightful climate, and having one-third of the profits. I do not suppose the experiment will cost me more than six or eight thousand dollars."

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WASHINGTON, February 17.

"Vessels are every hour expected from New Orleans, and I suppose Goldsborough will take the first that arrives. He is making his selection of the German families with great deliberation, and has as yet but fourteen families under covenant; but they are pressing upon him so anxiously that he has no doubt he could get two boat-loads, in Baltimore alone; besides the importunities of Germans here, who follow him to Baltimore."

* * * * * *

TO LOUIS M. GOLDSBOROUGH.

WASHINGTON, February 15.

"I thank you, my dear Louis, for the cheering intelligence you continue to give me. Governor Call likes our plan. If the Germans continue faithful, it is, he admits, a great and splendid enterprise. He says it is a fine country for silk, with plenty of white mulberries; fine, too, for vines; and he recommends your carrying out a plenty of slips of the grape-vine of all kinds. I observed to him that I had but poor encouragement to form an establishment in Florida, as I believed no great success had yet attended any of the adventurers. To which he answered, that everybody had succeeded who deserved to succeed."

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February 16.

"I have one thing to impress on you. Don't suffer this enterprise to weigh too heavily on your mind. We all know that you will do your best. We all know it may fail without the slightest negligence or omission on your part. Every human project depends on so many thousand contingencies, against which no thought, sagacity, or prudence can guard, that no man or woman of sense is surprised at the failure of any thing. The surprise ought rather to be that any thing succeeds. I am only half an adviser in such matters, but you are a capital executive officer as well as adviser. Therefore, if you should get disappointed in the Germans, or any thing else, don't suffer it to annoy you. Come what will, you are sure of my approbation and gratitude, and that of all my family."

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February 18.

"Ought we not to have as many German primers and spelling-books and psalters, as we have children to be taught? Also, slates and pencils and some coarse writing-paper for their copy-books? I cannot but hope that Mohl will prove a comfort and auxiliary to you.

I wish the colony to be a Christian one, as sincere and earnest in their religion as industrious in their work."

* * * * * * *

February 22.

"I am very glad of what you tell me of M., and very willing to believe your opinion correct. I much fear his clerical profession is a mere college trade for a living, and both he and his countrymen and women too much of Gnomes for that spiritual piety I should like to see flourishing in our little settlement. I want no canting, nor ranting, nor bawling there, nor yet specious sentimentality in religion for beauty's sake or show's sake; but that quiet, deep-seated, earnest spirit which, without any noisy professions, discovers itself only in the life of the party."

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February 28.

"'The course of true love never did run smooth,' nor the course of anything else that belongs to man. It is not only unwise, but absurd, to fret ourselves at the happening or not happening of anything that depends on winds and waves.—I have no doubt you did right to make the advances to our Germans. Indeed, I do not see how it could have been avoided consistently with humanity and justice.—As for me, I thought in the beginning we were going off too swimmingly for it to last. So, I am not surprised by any cross-buttocking, on my own account; and I hope you will make up *your* mind to bear it calmly. I feel more for you than for myself, because you are young and ardent, and not accustomed, as I am, to the thwarting of these adverse land currents."

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TO JUDGE RANDALL.

Washington, March 8.

Goldsborough has been most wofully detained in Baltimore, by the want of a vessel. After selecting and engaging his colony, and completing his preparations, he was kept in Baltimore between two and three weeks, and finally went to New York, to try to get a vessel there. You may rely upon it, when he gets out he will make everything fly and glow around him; and out he will be, as fast as a vessel can carry him.—God knows I have been too much and too long accustomed to disappointments, to hope very sanguinely for anything hereafter. My health has been much better this winter than for several winters past. I am not much more than half the size I was at forty. My spirits, though not boisterous, as once they were, are good and almost buoyant. *The blow struck on my heart, two winters ago, I shall never get over;*

r can I say I wish to get over it. It has thrown a cloud on my life at I should deem it sacrilege to dispel if I could; for I look upon very much like that cloud which rested, of old, on the tabernacle Israel, to attest the presence of God. It brings me into the immeate society of Heaven whenever I cast my eyes upon it. It is, erefore, salutary to my soul, and it does not afflict me as it did. I n, indeed, often surprised at my own cheerfulness, and sometimes a ttle ashamed of my levity. If I were in Florida I might be as dignified as I please, without censure, save from myself. My brain, can tell you, is teeming with dreams of what may yet be done, if I re to get established amongst you.

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BALTIMORE, March 22.

To-day, at last, "*post varios casus*" and about half-after one, "the aurel," Goldsborough's brig, sailed with a fine smacking breeze from e west. His colony, about one hundred and fifty souls, were all in ie spirits. They seemed already to be greatly attached to him; and ey will be more and more so, the more they know of him—as you l will. A truer, nobler, kinder, braver fellow never lived. I never ubted the *lion* part of his composition, but I never saw so much of e *lamb* till within the last few days. To know him and not to love m, is impossible for man or woman who has a head and heart; the ore they have of both, the more they will love him.

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Yours, affectionately,

WM. WIRT.

After the departure of the colony, and before their arrival, the next tter was despatched by mail to Tallahassee.

TO LOUIS M. GOLDSBOROUGH.

BALTIMORE, March 30, 1833.

Y DEAR LOUIS:

* * * * * *

Your argosy is so richly freighted with human lives, that we shall exceedingly solicitous till we hear of your being on *terra firma* ain. When I learn you have got your colony in Wirtland, and that ur Germans are busily and cheerfully engaged in building their llage, I shall feel greatly relieved and comparatively secure. Every bin, with its garden and milch cow, will be a new anchor to wind ard. And when the church and school-house are built, and their ildren are going to school, and their own pots boiling merrily, I all consider them, and your project, safe in dry-dock. The predicons are generally unfavourable to your success, but it is by those who

do not understand your plan, and judge of it by the general conduct of German redemptioners only. Ours are not redemptioners, but partners in trade; and I argue more favourably of the result. Let them have no complaint on the score of plenty and comfort, and I think all will go well. But whether it does or not, my anxiety, my dear Louis, is that you should not permit yourself either to be grieved or fretted about it. All that can be asked of mortal man is to do his best, as I am sure you will do. We cannot command success—we can only deserve it, Addison says. If the results do not correspond with our wishes, it would be the merest folly to fret ourselves about it.

Remember that our great object is to get as much *clearing* done by these Germans as possible the first year, so as to make sure of reimbursing ourselves the cost of their transportation and support. Push that object, therefore, as far as it can safely be pushed. Meantime, I would suggest the propriety of doing every thing for their recreation that can be done compatibly with industry. I would even promote their festivity and enjoyment. I would ask them to give me a specimen of the rustic waltz of Germany, and encourage music, dancing and all innocent amusements. Let the boys play *leap-frog*, *prison baste* and *ball* in the street, or court, or Campus Martius, between the houses of the village, for the entertainment of their parents. Set some of them, in their leisure, to making Alp-horns for your shepherds. All these things will serve to knit their hearts to the place, by multiplying their local associations and strengthening their gregarious propensities to their own particular society. There is nothing so exhilarating as the song of healthful, cheerful industry; and I hope to hear your people are too happy to be disposed to separate, either from each other or from you. You will have to exercise your authority, occasionally, to settle their little disputes and keep them in good-humour with each other. This, done gently, kindly and firmly, will make them all revere and love you the more.

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Yours, affectionately,

WM. WIRT.

After a long voyage, some danger of shipwreck, and a rough time, the adventurers arrived safely on the land of their labours.

On the 30th of April we have another letter to Mr. Goldsborough.

"I cannot tell you, my dear Louis, how happy and how grateful this morning's mail has made us; for it brought two letters announcing your arrival.—What a time you have had of it! Six days on the Grand Bank, near the Hole in the Wall!—And you all came safe ashore, except the poor little canary-bird, which E—— takes it for granted is now warbling away, and "dancing canary" in the West

Indies.—We are all delighted with your care and attention to the Germans, and their civility, contentment and good behaviour throughout the voyage. I begin to feel increasing confidence in their adherence to you.

"I have nothing to boast of in the way of improved health. My weight has sunk from two hundred and twenty-five pounds to one hundred and sixty. I am looking out for a trip this summer, either to Europe or the White Sulphur. The Philadelphia physicians recommend the former. Dr. Buckler doubts whether the White Sulphur may not answer as well. I have more confidence in our own mountains and waters. One of my strongest objections to the trip to Europe is the separation from my children and from you and your enterprise.

* * * * * *

Yours, affectionately,

WM. WIRT."

This is the history, so far, of an Arcadian dream. There is no incident in the life of Mr. Wirt that so fully develops his character as this Florida adventure. We read in it his benevolence, his gentleness, his sanguine temperament checked by a wholesome experience, his delight in the fancy of human happiness connected with rural life and simple pleasures, his generous judgment of men, his religious distrust of worldly success, and his perfect resignation to whatever may happen. It is the vision of a patriarch and the reverie of a poet:—the most sedate, the most real and the most elaborate of the many fancies which had been pictured upon his mind from the days of his boyhood. No one will read the brief sketch of this scheme, which I have extracted from his letters, without an increased regard for the character of the projector.

The end of this enterprise is comically told in a brief passage from the next letter, written to Goldsborough within three months after the landing of the pilgrims of Wirtland.

WHITE SULPHUR SPRINGS, July 18, 1833.

MY DEAR LOUIS:

With regard to the Germans, considering what kind of cattle they have proved to be, I am so far from lamenting their desertion, that I think it quite a happy riddance. I hold, as to them, pretty much the opinion of that sage and learned Theban, Dogberry, which he gives in his charge to the watch—"You shall comprehend all vagrom men: you are to bid them stand in the Prince's name."—"How, if he will

not stand?"—"Why, then, take no note of him, and let him go, and thank God you are rid of a knave." Never mind the affair. It is only one of "our castles" tumbled down. I am so used to such things that I am rather more disposed to laugh than to weep at them. Thank Heaven, there are no bones broke in the way of pecuniary loss! We had, at least the foresight to anticipate such a result, and to take care to make the experiment as cheaply as possible. I am sorry for your disappointment. But regrets are vain. The thing has been done. We must not be unnerved by the disappointment, but provide as vigorously as we can to meet the future.

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Good wishes to the Messrs. Mohl and all the faithful among the Germans.

Yours affectionately,

WM. WIRT.

To Judge Randall he writes on the 29th of July:

"As to the Germans, I am prepared now to write a treatise *De Moribus Germanorum*.

"I wonder how Louis has been able to bear up under it. I am infinitely more sorry on his account than my own. I know how much he had it at heart, and how sanguinely he counted on success, which I never did. I know that if prudence, address, kindness or firmness could have prevented this disaster, it would have been prevented, for I have a very high opinion of his good management. But, at last, what is it, but one of those disappointments to which we are continually exposed? I have read in some book 'that life is nothing more than a succession of bloated hopes and withering disappointments.' The expression is somewhat too strong, for there is certainly some present enjoyment in life. I have had my share of it. But there is rather too much truth in the saying, and too many and constant practical demonstrations of it, for a wise man to grieve long and deeply at any disappointment of worldly interest that can befal him. Without any pretensions to so high a character, I think I can assure you that this affair will not leave a scar on my brain or my heart. Indeed, the explosion has been so quick and so complete, and there is something so droll in those rascals having gone so far to play so ridiculous a caper, that it seems to me rather more laughable than cryable; and much the strongest tendency I feel is to laugh, until I remember Louis's disappointment and mortification. However, this is all unavailing. The die is cast, and we must abide the hazard manfully. We can but fail, and as Mrs. G. used to say—'We shall all get through the world somehow or other.'"

We return now briefly to notice an event connected with Mr. Wirt's last appearance in a political position before the country.

As soon as the result of the Presidential election was proclaimed in November, of the last year, a leading press in the confidence of the Anti-Masonic party, once more presented his name as the proper Presidential candidate for 1836. We may suppose that such a nomination would find but little favour with him, after his experience in the last canvass. When the Providence American, which had made this suggestion, came to his view, he immediately wrote an answer which was published in that paper, and soon after circulated throughout the United States.

"I consider the nomination which I accepted"—he says in this answer—"as having been finally disposed of by the recent election: and the same sentiment of deference which, under the circumstances of the case, led me to yield my own wishes to those of a portion of my fellow-citizens, now binds me, with increased obligation, to acquiesce in the decision of the whole which has been made upon it.

"Should the question (of re-nomination) ever be put for my decision, I shall answer it according to my sense of duty as a citizen of the United States. I know of no legitimate purpose of such a nomination but the election of a President for the common good and happiness of the country. In my former letter of acceptance, I said distinctly, I could never consent to be the President of a party; and the same sentiment will continue to influence me in any future decision I may be called to make on this subject. Meantime there are other subjects of fearful magnitude, that press themselves on the immediate attention of the patriot, and demand all his solicitude. The Union itself is in danger; and the signs of the times render it problematical whether it may be the will of Heaven that we shall ever have another Presidential election under the present Constitution of the United States. I pretend to no right to control the press in the selection of its topics. But I may rightfully desire to have it understood that, at such a time as this, and under the circumstances of public anxiety and alarm which surround us, I take no pleasure, but the reverse, in seeing my name the [illegible] cussion for a purpose so remote and so unimportant. I am sensible of the favourable regard which, I have no doubt, [illegible] and am grateful for it. But I should [illegible] a time and under such circumstances, I would [illegible]

or sanction, by my silence, what seems to be so very unseasonable an obtrusion of my name on the consideration of the public.

"There is already far too much of exasperated feeling among our people from other causes of immediate and unavoidable pressure. The efforts of every true friend of our country should be directed to the great purpose of conciliation and peace. Instead, therefore, of opening a new source of excitement by the premature discussion of the subject of the next election, I am more disposed to unite in an endeavour to shut up those other fountains that are already sending out their bitter waters so freely among us, and to see if it be not possible to bring back something like that state of great and disinterested love of country and fraternal concord, in which the war of the Revolution left us, and the Federal Constitution found us. It was that auspicious state of things which made the introduction of free government so easy and its action hitherto so prosperous. I indulge in no romantic expectation of the return of that golden age. But unless something effectual can be done to allay the agitation which has already arisen, and bring our people to a kinder state of feeling, it requires no great stretch of political sagacity to see that our institutions will rush to speedy ruin."

The allusion to the ferment of the public mind, at this period, refers to that melo-drama of nullification which was then approaching its most intense and stirring act. On the 11th of December 1832, the celebrated proclamation of General Jackson was issued, and both of the great political parties of the day were agitated by an earnest discussion of the events to which it referred and the principles which it upheld. "The Resolutions of Ninety-Eight" were in danger. The blow which struck them came from a friendly hand. "*Et tu, Brute!*" was the imprecation of many a liege-man of the President. "The Proclamation" and the "Resolutions of Ninety-Eight" were at the very opposite extremes of the swing of the pendulum of political doctrine. Nullification had the magic in it to unite these antagonisms, in the persons of all the loyal who enjoyed the favour or confidence of the great Anti-nullifier. The right of a State to secede from the Union became a popular topic of discussion in all circles. Every juvenile debating society had as much to say to it as the gravest politicians. Many new and subtle distinctions came in vogue.

Politics grew strangely metaphysical. Out of all this ferment, mischief might have arisen, if General Jackson, with dexterous address, had not tempered the high doctrines of the proclamation with a practical abandonment of the tariff, and thus furnished an occasion, which Mr. Clay, still more dexterously, used to the consummation of that great measure of pacification, the Compromise,—by which the South surrendered, for ten years, the question of contention. This compromise closed a triangular war, by disarming the President, satisfying the friends of the protective system, and soothing the pride of the nullifiers.

The following letter contains a dissertation on the engrossing topic of the day, which even at the present time, is worth perusal.

TO JUDGE CARR.

BALTIMORE, Sunday, January 6, 1833.

MY DEAR FRIEND:

I have been wishing to write to you for some time. But although I have risen early—at five,—and lain down late—at eleven and twelve,—yet I have found no leisure to do so. I am obliged, at last, to invade this holy day rather than be longer silent—if cultivating feelings of friendship and love towards a brother be invading it. * * * As to being astounded by the aforesaid momentous events, I have seen such chopping and changing, and degeneracy, and want of national as well as of individual faith and honour, that I am not easily astounded at anything.

I believe the affair of South Carolina will soon blow over. I have never thought they would go the length of dissolution. If *they* are mad, the majority of the people of the United States are cool and sober, and in perfect good humour—more disposed to pity the Quixotes of the South than to quarrel with them. The President "talked big," but, you see, they are giving Carolina what she asks, in the virtual repeal of the whole tariff system. This is what I have thought, from the beginning, would be done. It is a bad example for the other States, but better, perhaps, than a civil war in defence of a policy which the States south of Potomac have condemned. Our Government depends so much on the confidence and affections of the people; and there are so many fruitful topics of jealousy and quarrel among States scattered over such an extent of country, so various in soil, climate and pursuits, that we need never expect any very cordial peace and love among our people, nor a very strong and continued course of policy in any direction, however wise and judicious. A few years ago, internal improvement and the encouragement of domestic manu-

factures were all the rage. It was the *universal passion* at the close of the war. The war itself and its wants had taught us wisdom The lesson lasted for five or six years;—but it is gone. Now, from the President down, the disposition, the universal cry seems to be "Down with the Federal Government—up with the States."

As to the right of a State to secede from the Union, I do not recollect to have ever heard it made a subject of discussion in the high times of '98–9 and 1800,—and, consequently, never heard the denial of the right to secede treated as a high federal doctrine. I cannot, however, distinguish between the right of secession and the right of revolution. No one, federalist or democrat, or even monarchist, has ever denied the right of revolution when the social compact is violated to the intolerable oppression of a part of the country. We, who only became a nation by the assertion of that right, ought to be the last to dispute it. All will agree that there are extreme cases of oppression which may be imagined, and in which revolution is not only a right but a duty. But who shall judge when such an extreme case has occurred,—the oppressed or the oppressor? If the latter, it is easy to see that no revolution will ever be permitted;—for the case will never be admitted to have occurred. If the former, the danger is (as is now the case in South Carolina,) that passion will too often take the place of reason, and the case will be continually thought or alleged to have occurred. But in all revolution, the oppressed has necessarily taken it upon himself to decide,—and has brought on the struggle. The oppressor has never admitted the oppression, nor let go his hold. War has ensued—and it has been a subdued rebellion or a successful revolution, according to the event. That South Carolina has ever had cause for secession I have never believed. But on the abstract question of the right of a State to secede, the argument of the proclamation is not so demonstrative as I wished to have found it. You have distilled the strength of the strongest part of it in your letter. A State cannot tear herself away from the Union without tearing out the heart-strings of the other States. If this be true, and a State considers secession a question of life or death, there being no common umpire between them, there is no alternative but force or submission on the one side or the other. On a general question, I think it far more probable that the one or the other will submit, than that civil war should ensue. The Union is held in too high value by all the States to be parted with on a mere question of policy. I believe that the majority would put up with any policy sooner than to run the hazard of disunion or civil war. I do not know that we can come to any satisfactory conclusion as to the right of secession. We must admit the right in a case of extreme oppression. When the question is one of life or death, self-defence becomes the first law of nature, and all will recognize the right of a State, *in such a case*, to save herself. if she can. On the other hand, if one State, in the effort to save

herself, will destroy twenty-three others, the same law of self-defence authorizes the latter to save *themselves*, if they can, by preventing the secession. So, at last, it resolves itself into a question of force and comparative strength,—and becomes a physical instead of a moral question. Calhoun, as I understand, proposes to have the matter settled by calling a convention of all the States; and if he would agree to leave it to them, when called, to say whether the power to pass a protective tariff exists in the Constitution, and let a majority decide, it would be well enough. But he requires that the majority shall be the constitutional majority to make an amendment to the Constitution. I do not know that he would even agree to leave the question of the present existence of the power to such a majority. His proposition is, that, by way of taking the sense of the States as to the present existence of the power, it shall be proposed by way of amendment, to give the power; and that unless two-thirds of both houses of Congress, or the legislatures of two-thirds of the States, shall concur in proposing the amendment, and it shall afterwards be ratified by three-fourths of the States, the power shall be considered as not now existing in the Constitution. Every one knows that in the high state of jealousy which has been, I think most needlessly, excited against the Federal Government by appeals made, (for the most part by artful demagogues) to the pride of the States, there are very few acknowledged powers of the Government that would, at this day, bear that test. The Supreme Court would go by the board, or its powers be so crippled as to render it useless. The power to regulate commerce would never again be conferred as it now exists, nor indeed any other power. We should, in the fury and inveteracy of State pride and jealousy, relapse into the imbecility of the old articles of confederation. As to the tariff, its *policy* is denied by many who admit the *constitutional power* of Congress to pass it. Agriculturists and commercial men are very generally opposed to its policy. If the question of conferring the power anew, *in the form of an amendment*, were raised, as Calhoun proposes, all who are strongly opposed to the *policy* would refuse to confer the *power*, whatever they may think of its *present existence*. It is probable, too, that many would oppose the amendment because they would consider it unnecessary — the power, in their estimation, already existing. Calhoun has counted hands, and well knows that he is perfectly safe in the arbitrament he proposes. Now, as there is *a decided majority* who consider the power as already existing—and as it has been exercised, *without dispute*, 'till now, ever since 1789, it would seem to me more reasonable that the *minority* who deny that the power does or ought to exist, should move for an explanatory amendment, expunging the power, or declaring that it shall not be considered as existing. But this, the opponents know, would be a vain attempt, and they are, therefore, for artfully shifting the movement on the majority. Ought not this pro-

vision in the Constitution for amendments, to be considered as *the umpire* agreed upon by the States who ratified the Constitution for the settlement of all difficulties? The difficulty arises only from the mode of appealing to it—the very difficulty of which I have just been speaking, who should make the movement. I think that where a power is assumed by any department of the Federal Government, it will be the more safe and quiet course to consider it as rightfully assumed until the constitutional majority shall rescind or deny it by an amendment. It is not to be lightly believed that a majority of the House of Representatives, coming immediately from the body of the people, and removeable every two years, will corruptly agree with the President and Senate in asserting a power which they know not to exist;—or that a majority of the people of a nation, like this, so widely and sparsely scattered over such an immense country, will confirm the usurpation by continuing to elect the same representatives. They ought to be believed honest in the assertion of the power, as well as in the enforcement of the policy, as long as they continue to be as they are, a large majority;—and those who deny the power ought to appeal to the constitutional umpire, the Supreme Court, where it can be made a judicial question; and where it cannot—to the other constitutional umpire, the provision for amendments. But "would *we* have held the doctrine in 1798, with regard to *the alien and sedition laws?*" *Did we not hold it?* Mr. Madison's and Mr. Jefferson's resolutions were not for *secession*—they were appeals to the other States, and looked no further than to the *repeal* of the laws, or the engrafting an explanatory amendment on the constitution. I speak from memory. But I well remember, when Callender was under trial, the anxiety of all the enlightened patriots of the democratic school, in and out of Richmond, that the State should not be disgraced by any appearance of disorder, or even intemperance—much less of violence. The immense multitude in the capitol, although visibly under the highest excitement at the violence and rudeness of Judge Chase, were not heard to speak above their breath. How different was this from the violent movement of South Carolina,—her declaration of war, backed by the calling out of all the military force of the State! The instance shows that if Mr. Jefferson and Mr. Madison held the right of secession, they did not consider even the extreme case of the *sedition law* a fit occasion for its exercise; but that the appropriate remedy was in a repeal law, or an amendment of the constitution in the regular form.

Nevertheless, the abstract right of secession cannot be denied *in theory*, in a case where even political death would be preferable to existence under extreme oppression. But I can scarcely conceive the case that can possibly arise *in practice*, under a government like ours, to justify a resort to secession. It looks exceedingly like a desire to play the smuggler or the pirate, for an Atlantic State to talk of seced-

ing on the grounds taken by Carolina. I am far from considering the other States bound to permit the tacit secession of Carolina, on the ground taken by her. I think, with you, that it is a question of vital existence to the rest of the Union. While I am forced, therefore, to admit the abstract right to secede *for sufficient cause*, on the theory of human rights, I am obliged, in justice to the other States, so to qualify it, as to render the theory of but little practical value, and, indeed, almost to amount to a retraction of the admission. Such, however, seems to be the unavoidable result of the complicated relations of the States, or the incompetency of the human mind to extract a consistent and harmonious system of practical rights out of such complex relations. I confess my own inability to do it. And the proclamation seems to be in the same dilemma—for it admits the right to secede *in a palpable case*, but does not attempt to *define the case*, nor to say *who* is to decide whether it has occurred. This right, indeed, seems reserved to the Federal Government, which is a virtual retraction of the admission *in a palpable case*. Can you *excogitate* a more certain rule?

Our love to yourself, your wife and children.

God bless you all.

Yours,

WM. WIRT.

The next two letters bring us back to those more genial themes in which the writer of them specially delighted.

TO JUDGE CARR.

RED SULPHUR SPRINGS, August 24, 1833.

Pray, have you not been reading Rollin, of late, or some of the originals from which he draws those laconic epistles—"send me your arms,"—"come and take them!" Or are you getting so fat as to make it necessary for you to

> "—— breathe short-winded accents of new broils,
> To be commenced in stronds afar remote."

What has become of your ideal fecundity, and all those powers of expatiation and amplification which you used to pour out upon me, with such delightfully interminable continuity? When your courts are sitting, I am content with anything you can snatch a moment to write me. But now, in this summer recess of ample leisure, when you are rolling in clover, and have all the incidents of the metropolis of Virginia playing upon the springs of your mind, I had certainly a right to expect rather a more refreshing exudation than your very brief note of the 18th.

I think if I were with you, you would discourse me a little more copiously. Your pen rolls along with so much ease and volubility, that I should suppose it as light a task to you to write as to talk. Far otherwise with me; my fingers seem to have lost their cunning, and are so stiff and cramped in their action that it is hard work to me to write, and painful to me to look at my crowsfoot scratching, after I have written. It reminds me of the boldness and freedom with which my pen used to follow my mind in its youthful aspirations; and reminds me, too, that those days are gone. However, do not suppose that I am not thankful even for your shortest notes; for they always assure me, as this does, of your kindness and affection. If your letters were not so delightful to me, I would not care how short they were; but they are such a treat, that, let them be ever so long, I am always disposed to say with Cabell—"give me some more." One does not like to have the glass of fine champagne taken from his lips when he has just begun to sip, nor to be tantalized, like Sancho in his island, with a mere passing glimpse of a banquet, which he is not permitted to touch. *Verbum sat.* Don't get displeased at this, and discontinue your letters altogether. Rather continue to give me the half-loaf than no bread at all.

Well, you are now with your children and grand-children again, in the height of your earthly happiness. I enjoy it, too, exceedingly;—but my mind and spirits languish, unless those soft and gentle feelings can be occasionally relieved by mental excitement. Could I have my choice of life, it would be to possess an Alhambra, large enough to furnish ample space for all my children and all my friends, without incommoding each other; with saloons, where we might all assemble together, or in parties as large as we pleased; with a separate study and library for myself, and horses and carriages to ride *ad libitum.* A slight requisition, this! But I should even be *content*, if, with the family I have, I could sit down in Richmond with you and Cabell, for the sequel of my days,—having nothing to do, but to read, ride and enjoy myself with my family and my friends. The last, one would think, is *a possibility.*—I shall not lose sight of it immediately; and if to it I could add a Christmas assemblage of all my children, and a summer in Albemarle near our friend and brother Peachy, there would not remain many more things, merely of this earth, for me to desire. By-the-way, I had a letter from him last evening, written in fine spirits and fine health. He has profited very much by his mountain trip. We all require to be shaken now and then, like a stagnant pool by a tempest. Poor P——, I think, is peculiarly liable to the gathering of the green mantle over his surface. The biennial agitation of a trip to Richmond in the winter, and a gathering of the clans at his house in the summer, would prolong his life in health for some years.

I thank you for your congratulations on my second grandson.* No, the proofs of old age are thickening upon me too fast to be any longer resisted, and I am, accordingly, comforting myself every summer, with a re-perusal of Cicero "De Senectute." But who could not bear such an old age as that of Cato Major, the chief prolocutor in that dialogue? An old age of honours, wealth, health and countless friends, who held him in the highest veneration? What a beautiful treatise it is! Infinitely superior, I think, to that "De Amicitia," which immediately follows it,—or even to the much and justly admired "Somnium Scipionis," usually the sequent of the two former. Have you read them lately? By-the-bye, I got a Sallust at Lewisburg, principally for the purpose of examining again the two passages you read to me, and especially the comparison he institutes between Cæsar and Cato. It is very fine, and done with infinite skill and dexterity in behalf of his friend Cæsar, to whom he owed such obligations as he never could have received from Cato or any other virtuous man. What a profligate scoundrel he was, that same Sallust,—according to the biographical notices prefixed to his works! Expelled the Senate for the vilest practices, restored by Cæsar, appointed, by the same patron, the Prætor of a province which he plundered with the most barbarous and shameless rapacity, and bought, with the spoils, those beautiful gardens at Rome which still bear his name. And yet Carter, in his letters from Europe, speaking of these gardens, mentions him with great veneration, as the virtuous and philosophic historian in dignified retirement. His virtues, like our friend Sterne's, I fear, are only to be found in his writings. It would, indeed, have been most fortunate for him that no memory of him remained but what is to be found in his histories, which are, certainly, in the highest tone of virtue and patriotism. But the comparison aforesaid, fine as it is, is not equal, in my opinion, to Lucan's of Pompey and Cæsar, which I am very desirous for you to read.—Pray do so, *pour moi.*

Apropos,—the cholera is in Shepardstown:—is Martinsburg safe? They all tell me that I have improved *marvellously.* According to the report of the scales, I have gained fifteen pounds since I first weighed at the White Sulphur. I am now one hundred and fifty-seven.

* Mr. Wirt's fourth daughter Rosa, had been married, in 1832, to Dr. Alexander Robinson of Baltimore, an accomplished physician of that city, who yet enjoys a valuable practice there. But a few weeks before the date of this letter, the eldest son of this gentleman was born, being the second grandson in the family.

I am grieved at being obliged to add to this note, that whilst these sheets were going through the press, May, 1849, the family of Mr. Wirt has sustained an afflicting bereavement, in the death of this estimable lady. A large family of children survive her, to mingle their grief with that of many devoted relations and friends.

I eat abundantly, and have strength, good looks and tolerable spirits. We offer our love to you all.

Your friend,

WM. WIRT.

TO S. TEACKLE WALLIS.*

RED SULPHUR SPRINGS, August 25, 1833.

MY DEAR SIR:

I thank you for your letter of the 11th, which has found me at this place—the remotest of the mineral waters of Virginia, in this direction, that have any living fame—and I wish you were here with me. Your dyspepsia, in all its consequences, would speedily vanish before these waters and the mountain air. I doubt whether you could do a wiser thing, even yet, than to run over in September and spend a few weeks among these Springs. It would enable you to lay in a stock of health for the winter's campaign;—for what is the *mens sana* without the *corpore sano?*

The waters are at their best in September, and in this region, they tell me, the month of October is the finest of the whole year—far surpassing our Indian Summer; having all its mildness and softness, without its enervating effects. It is my purpose to test the truth of this representation by remaining somewhere in this region 'till October—the principal part of the time, perhaps, at the White Sulphur, though *these* waters agree with me marvellously well, so far. According to the report of the scales, I am gaining a pound here every day—and I am sensible of great improvement in my strength, good feelings and appetite.

For recreation, I have horses, company, a few books and my pen, and do not find my time at all heavy on my hands—though I should certainly find it so at Saratoga, amid such an oppressive throng, such a rabble rout, as that must be—Washington Irving to the contrary notwithstanding. I love these green mountains, richly wooded to their summits, with their poetic breadth of lights and shadows at sunrise and sunset;—the rich verdure of the lawns, fields, meadows—the autumnal flowers that are bursting around us—the rains—the lightning—and the thunders reverberating among these mountains and rolling their echoes along the valleys. These are the scenes for great thinking. A *petit maitre* would be out of his element here,—for he cannot think at all, much less think greatly. One cannot be frivolous amid so much natural grandeur. The mountains would frown their rebuke upon him, and the starry firmament, sparkling with such un-

* Mr. Wallis, now an accomplished member of the Baltimore bar, was, at the date of this letter, a student, under the guidance of his friend, Mr Wirt

wonted lustre, these cold nights, would awe him into solemnity, if they could not raise him to sublimity. I think you could spend two or three weeks here, with great enjoyment as well as advantage to your health.

Have you ever dipped into the works of Edmund Burke? I do not think he is properly estimated in our country, nor, I suspect, in his own, except by a few. His speeches have so much richness and splendour of imagination, that the great mass of readers seldom look farther, and know nothing of the abundance, the greatness and accuracy of his thinking. I have been conversing with him in the first volume of his works, which I have found here, and have been much struck with the powerful grasp of his mind, compared with some other modern writers who had just passed through my hands. He is indeed a *masterly thinker*, and I commend him to your acquaintance. I like his essays better than his speeches—for they are *all thought*, without any ambition of ornament, and show the great play of his mental machinery, in the naked majesty of its strength. Such are the models on which I would wish you to form the action of your mind. You must look far above and beyond the living models that meet your daily view. These are, some of them, good examples of energy, pushing industry, and untiring perseverance, and are, so far, highly worthy of imitation. But when you come to the article of *thinking*, with reference to professional preparation, you must look far, very far, beyond and above them. You must take a wider horizon—sweep in larger circles—draw your arguments from greater depths—and learn to fold your adversary in coils of a more *Anaconda* gripe. This pungency and force of thinking, this fertility of resource, this depth and breadth and amplitude of view, is to be learned only by *studying* the greatest master. Take up for example, Butler's Analogy of Natural and Revealed Religion, and study it as a specimen of thinking and reasoning. Observe how profoundly and widely he surveys his subject—how carefully and beautifully he evolves his argument—and with what resistless cogency he draws his conclusions.

Bacon's Essay on the Advancement of Science, Locke on the Human Understanding, and on Government, and some of the preliminary chapters of Hooker on Ecclesiastical Polity, are on the same gigantic scale of thinking. These essays of Burke, and the constitutional opinions of Chief Justice Marshall, belong to the same great class of intellectual effort, and you ought to become familiar with them.

In composing, think much more of your matter than your manner. To be sure, spirit, grace, and dignity of manner, are of great importance both to the speaker and writer; but of infinitely more importance is the weight and worth of matter.

The fashion of the times is much changed since Thomson wrote his Seasons, and Hervey his Meditations. It will no longer do to fill the ear only with pleasant sounds, or the fancy with fine images. The

mind, the understanding, must be filled with solid thought. The age of ornament is over: that of utility has succeeded. The "*pugnæ quam pompæ aptius* is the order of the day, and men fight now with clenched fist, not with the open hand—with logic and not with rhetoric. It is the *rough, abrupt strength* of Webster which has given him his reputation. This roughness and abruptness are natural to him, but I believe it is his policy rather to encourage than to subdue them, since any infusion of softness and grace would conceal that muscularity which is his peculiar boast and pride. I have seen equal strength and greater accuracy in others: but it has been partly veiled by a more graceful and polished manner, and a more creative imagination.

The fashion of the age, therefore, calls upon you to cultivate this great, powerful and wide-sweeping habit of thinking, and to go for strength and not for beauty. As connected with it, and essential to it, you must begin forthwith and persevere in treasuring up all sorts of useful knowledge. You must be continually awake and alive to all that is passing around you, and let nothing that can be turned to account escape your observation. Mr. Jefferson was only sixteen years of age when he began to keep regular files of newspapers, and to preserve every pamphlet, whether speech or dissertation, on any public subject, whether of politics, arts or science, which issued from the press. Thus he was continually master of all that was passing in his own age, in every quarter of the world. These newspapers and pamphlets he would have assorted and bound in volumes at the end of the year, so as to be always ready for reference. But beside these *collectanea*, which I earnestly recommend to you, there is a great field for personal observation, which must depend on your own sight and memory, and such minutes as you may choose to make of them in your private diary or common-place book. Perhaps there is no property in which men are more strikingly distinguished from each other than in the various degrees in which they possess this faculty of observation. The great herd of mankind, the *fruges consumere nati*, pass their lives in listless inattention and indifference as to what is going on around them, being perfectly content to satisfy the mere cravings of nature; while those who are destined to distinction have a lynx-eyed vigilance that nothing can escape. You see nothing of the Paul Pry in them; yet they know all that is passing, and keep a perfect reckoning, not only of every interesting passage, but of all the characters of the age who have any concern in them. It is this that makes that large experience which is the great school of wisdom. This is that thorough and wide-extended knowledge of mankind for which all the great men of all ages and countries have been so celebrated, and without which it is impossible that they ever should have *been* great men.

This is but a meagre sketch of what you have to do if you aspire to

a high niche in the temple of Fame. There are all the arrears of past history, ancient and modern, to settle, and all the sciences and arts. Mr. Jefferson was, himself, a living and walking encyclopedia —so is Mr. Madison, and Mr. John Q. Adams;—*vita brevis, ars longa.*

There is too much to acquire, to expect to become a thorough master of every thing. You will have to make a selection. This was recommended by Mr. Locke, as you will see in the first article of the XCIX No. of the Edinburgh Review. But even with a selection, young as you are, you have no time to lose, if you wish to be one of the first men of the day, and to mix your name, historically, with that of your age and country. It is only by such a struggle with the *aliquid vastum et immensum* that Cicero gained the summit from which his fame still beams, through more than eighteen centuries, to this distant land of ours — and those who would shine imperishably, must follow his example.

But I have given you a prelection, instead of a letter, which is more than you bargained for.

I shall be glad to hear from you again, and still more to see you.

Wishing you health, prosperity and happiness here and hereafter,

I remain very truly yours,

WM. WIRT.

In the correspondence of this year, I find another letter on the same subject, and written in a kindred tone with the last, which has been frequently published, and which is, in every point of view, worthy of the notice it has hitherto obtained. It was drawn from Mr. Wirt by the application of a young and meritorious student of the University of North Carolina at Chapel Hill,—Mr. H. W. Miller, —who, desiring to obtain the advice of so eminent a master, for his instruction in the study of the law, made the request which brought this reply.

These two letters are not only valuable for the counsel they impart, but they acquire additional interest in these Memoirs, from the evidence which they afford, that the sympathy in the aspirations of ambitious youth emulous to excel in laudable pursuits, and the zeal to animate the student, and teach him the most useful lessons for the guidance of his future life, which characterized the subject of our biography from his earliest manhood, had, in no degree, abated in his declining years: that, throughout his whole career, he was most effectively and consistently the monitor and guide of the rising generation.

TO H. W. MILLER.

BALTIMORE, December 20, 1833.

MY DEAR SIR:

Your letter, dated "University of Chapel Hill, December 12," was received yesterday morning, and although it finds me extremely busy in preparing for the Supreme Court of the United States, I am so much pleased with its spirit, that I cannot reconcile it to myself to let it pass unanswered. If I were ever so well qualified to advise you, to which I do not pretend, but little good could be done by a single letter; and I have not time for more. Knowing nothing of the peculiarities of your mental character, I can give no advice adapted to your peculiar case. I am persuaded that education may be so directed by a sagacious and skilful teacher, as to prune and repress those faculties of the pupil which are too prone to luxuriance, and to train and invigorate those which are disproportionately weak or slow; so as to create a just balance among the powers, and enable the mind to act with the highest effect of which it is capable. But it requires a previous acquaintance with the student, to ascertain the natural condition of his various powers, in order to know which requires the spur and which the rein. In some minds, imagination overpowers and smothers all the other faculties; in others, reason, like a sturdy oak, throws all the rest into a sickly shade. Some men have a morbid passion for the study of poetry — others, of mathematics, &c. &c. All this may be corrected by discipline, so far as it may be judicious to correct it. But the physician must understand the disease, and become acquainted with all the idiosyncrasies of the patient, before he can prescribe. I have no advantage of this kind with regard to you; and to prescribe by conjecture, would require me to conjecture every possible case that *may* be yours, and to prescribe for each, which would call for a ponderous volume, instead of a letter. I believe that in all sound minds the germ of all the faculties exist, and may, by skilful management, be wooed into expansion — but they exist, naturally, in different degrees of health and strength; and as this matter is generally left to the impulses of nature in each individual, the healthiest and strongest germs get the start—give impulse and direction to the efforts of each mind — stamp its character, and shape its destiny. As education, therefore, now stands among us, each man must be his own preceptor in this respect, and by turning his eyes upon himself, and descrying the comparative action of his own powers, discover which of them requires more tone — which, if any, less. We must take care, however, not to make an erroneous estimate of the relative value of the faculties, and thus commit the sad mistake of cultivating the showy at the expense of the solid. With these preliminary remarks, by way of explaining why I cannot be more particular in regard to your case,

permit me, instead of chalking out a course of study, by furnishing you with lists of books and the order in which they should be read, (and no list of books and course of study would be equally proper for all minds,) to close this letter with a few general remarks.

If your *spirit* be as stout and pure as your letter indicates, you require little advice beyond that which you will find in the walls of your University. A brave and pure spirit is more than "*half the battle*," not only in preparing for life, but in all conflicts. *Take it for granted that there is no excellence without great labour.* No mere aspirations for eminence, however ardent, will do the business. Wishing, and sighing, and imagining, and dreaming of greatness, will never make you great. If you would get to the mountain's top, on which the temple of fame stands, it will not do *to stand still*, looking, admiring, and wishing you were there. You must gird up your loins, and go to work with all the indomitable energy of Hannibal scaling the Alps. Laborious study and diligent observation of the world, are both indispensable to the attainment of eminence. By the former, you must make yourself master of all that is known of science and letters; by the latter you must know *man*, at large and particularly the character and genius of your own countrymen. You must cultivate assiduously the habits of *reading*, *thinking*, and *observing*. Understand your own language grammatically, critically, thoroughly—learn its origin, or rather its various origins, which you may learn from Johnson's and Webster's prefaces to their large dictionaries. Learn all that is delicate and beautiful, as well as strong, in the language, and master all its stores of opulence. You will find a rich mine of instructions in the splendid language of Burke. His diction is frequently magnificent; sometimes too gorgeous, I think, for a chaste and correct taste; but he will show you all the wealth of your language. You must, by ardent study and practice, acquire for yourself a *mastery* of the language, and be able both to speak and to write it, promptly, easily, elegantly, and with that variety of style which different subjects, different hearers, and different readers are continually requiring. You must have such a command of it as to be able to adapt yourself, with intuitive quickness and ease, to every situation in which you may chance to be placed, and you will find no great difficulty in this, if you have the *copia verborum* and a correct taste. With this study of the language you must take care to unite the habits already mentioned—the diligent observation of all that is passing around you; and *active*, *close* and *useful thinking*. If you have access to Franklin's works, read them carefully, particularly his third volume, and you will know what I mean by *the habits of observing and thinking*. We cannot all be *Franklins*, it is true; but, by imitating his mental habits and unwearied industry, we may reach an eminence we should never otherwise attain. Nor would he have been

the Franklin he was, if he had permitted himself to be discouraged by the reflection that we cannot all be *Newtons*.

It is our business to make the most of our own talents and opportunities, and instead of discouraging ourselves by comparisons and imaginary impossibilities, to believe all things possible,—as, indeed, almost all things are, to a spirit bravely and firmly resolved. Franklin was a fine model of *a practical man*, as contra-distinguished from a *visionary theorist*, as men of genius are very apt to be. He was great in that greatest of all good qualities, *sound, strong common sense*.—A mere book-worm is a miserable driveller; and a mere genius, a thing of gossamer fit only for the winds to sport with. Direct your intellectual efforts principally, to the cultivation of the strong masculine qualities of the mind. Learn (I repeat it) *to think—to think deeply, comprehensively, powerfully*—and learn the simple, nervous language which is appropriate to that kind of thinking.—Read the legal and political arguments of Chief Justice Marshall, and those of Alexander Hamilton, which are coming out. Read them, *study them;* and observe with what an omnipotent sweep of thought they range over the whole field of every subject they take in hand—and that with a scythe so ample and so keen, that not a straw is left standing behind them. Brace yourself up to these great efforts. Strike for this giant character of mind, and leave prettiness and frivolity for triflers. There is nothing in your letter that suggests the necessity of this admonition; I make it merely with reference to that tendency to efflorescence which I have occasionally heard charged to Southern genius. It is perfectly consistent with these herculean habits of thinking to be a laborious student, and to know all that books can teach.—This extensive acquisition is necessary, not only to teach you how far science has advanced in every direction, and where the *terra incognita* begins, into which genius is to direct its future discoveries, but to teach you also the strength and the weakness of the human intellect,—how far it is permitted us to go, and where the penetration of man is forced, by its own impotence and the nature of the subject, to give up the pursuit;—and when you have mastered all the past conquests of science, you will understand what Socrates meant by saying, that he knew only enough to be sure that *he knew nothing,—nothing, compared with that illimitable tract that lies beyond the reach of our faculties.* You must never be satisfied with the surface of things: probe them to the bottom, and let nothing go 'till you understand it as thoroughly as your powers will enable you. Seize the moment of excited curiosity on any subject, to solve your doubts; for if you let it pass, the desire may never return, and you may remain in ignorance.

The habits which I have been recommending are not merely for college, but for life. Franklin's habits of constant and deep excogitation clung to him to his latest hour. Form these habits now: learn *all* that may be learned at your university, and bring all your acqui-

sitions and your habits to the study of the law, which you say is to be your profession; and when you come to this study, come resolved to master it—not to play in its shallows, but to sound all its depths. There is no knowing what a mind greatly and firmly resolved, may achieve in this department of science, as well as every other. Resolve to be the first lawyer of your age, in the depth, extent, variety and accuracy of your legal learning. Master the science of pleading—master Coke upon Littleton, and Coke's and Plowden's Reports—master Fearne on Contingent Remainders and Executory Devises, 'till you can sport and play familiarly with its most subtle distinctions. Lay your foundation deep and broad and strong, and you will find the superstructure comparatively light work. It is not by shrinking from the difficult parts of the science, but by courting them, grappling with them, and overcoming them, that a man rises to professional greatness. There is a great deal of law-learning that is dry, dark, cold, revolting—but it is an old feudal castle, in perfect preservation, which the legal architect, who aspires to the first honours of his profession, will delight to explore, and learn all the uses to which its various parts used to be put; and he will the better understand, enjoy and relish the progressive improvements of the science in modern times. You must be a master in every branch of the science that belongs to your profession—the law of nature and of nations, the civil law, the law-merchant, the maritime law, &c.; the chart and outline of all which you will see in Blackstone's Commentaries.

Thus covered with the panoply of professional learning, a master of the pleadings, practice and cases, and at the same time a *great constitutional and philosophic lawyer*, you must keep way, also, with the march of general science. Do you think this requiring too much? Look at Brougham, and see what a man can do if well-armed and well-resolved. With a load of *professional duties* that would, *of themselves*, have been appalling to the most of *our* countrymen, he stood, nevertheless, at the head of his party in the House of Commons, and, at the same time, set in motion and superintended various primary schools and various periodical works, the most instructive and useful that ever issued from the British press; to which he furnished, with his own pen, some of the most masterly contributions, and yet found time not only to keep pace with the progress of the arts and sciences, but to keep at the head of those whose peculiar and exclusive occupations these arts and sciences were. There is a model of industry and usefulness worthy of all your emulation. You must, indeed, be a great lawyer; but it will not do to be a mere lawyer—more especially as you are very properly turning your mind, also, to the political service of your country, and to the study and practice of eloquence. You must, therefore, be a political lawyer and historian; thoroughly versed in the constitution and laws of your country, and fully acquainted with all its statistics, and the history of all the leading measures

which have distinguished the several administrations. You must study the debates in Congress, and observe what have been the actual effects upon the country of the various measures that have been most strenuously contested in their origin. You must be a master of the science of political economy, and especially of financiering, of which so few of our young countrymen know anything. The habit of observing all that is passing, and thinking closely and deeply upon them, demands pre-eminently an attention to the political course of your country. But it is time to close this letter.

You ask for instructions adapted to improvement in eloquence. This is a subject for a treatise, not for a letter. Cicero, however, has summed up the whole art in a few words: it is—"*aptè—distinctè—ornatè—dicere*"—to speak to the purpose—to speak clearly and distinctly—to speak gracefully. To be able to speak to the purpose, you must understand your subject and all that belongs to it;—and then your thoughts and method must be clear in themselves, and clearly and distinctly enunciated:—and lastly, your voice, style, delivery and gesture, must be graceful and impressive. In relation to this subject, I would strenuously advise you to two things: Compromise much and often, and carefully, with reference to this rule of aptè, distinctè, ornatè; and let your conversation have reference to the same objects. I do not mean that you should be elaborate and formal in your ordinary conversation. Let it be perfectly simple and natural, but always in good time (to speak as the musician), and well enunciated.

With regard to the style of eloquence you should adopt, that must depend very much on your own taste and genius. You are not disposed, I presume, to be an humble imitator of any man? If you are, you may bid farewell to the hope of eminence in this walk. None are mere imitators to whom nature has given original powers. The ape alone is content with mere imitation. If nature has bestowed such a portion of the spirit of oratory as can advance you to a high rank in this walk, your manner will be your own. In what style of eloquence you are best fitted to excel, you, yourself, if destined to excellence, are the best judge. I can only tell you that the florid and Asiatic style is not the taste of the age. The strong, and even the rugged and abrupt, are far more successful. Bold propositions, boldly and briefly expressed — pithy sentences — nervous common sense — strong phrases—the *felicitè audax* both in language—well compacted periods—sudden and strong masses of light—and apt adage in English or Latin — a keen sarcasm — a merciless personality — a mortal thrust—these are the beauties and deformities that now make a speaker the most interesting. A gentleman and a Christian will conform to the reigning taste so far only as his principles and habits of decorum will permit. The florid and Asiatic was never a good style either for an European or an American taste. We require that a man should speak to the purpose and come to the point;—that he should instruct

and convince. To do this, his mind must move with great strength and power: reason should be manifestly his master faculty — argument should predominate throughout; but these great points secured, wit and fancy may cast their lights around his path, provided the wit be courteous as well as brilliant, and the fancy chaste and modest. But they must be kept well in the back-ground, for they are dangerous allies; and a man had better be without them, than to show them in front or to show them too often.

But I am wearying you, my dear sir, as well as myself. If these few imperfect hints on subjects so extended and diversified, can be of any service to you, I shall be gratified. They may, at least, convince you that your letter has interested me in your behalf, and that I shall be happy to hear of your future fame and prosperity. I offer you my respects, and tender the compliments of the season.

WM. WIRT.

Our Memoirs draw to a close. Christmas, 1833, found Mr. Wirt cheerful;—mentally, as vigorous as ever. In bodily health, he had been declining for some years past. Latterly he had grown somewhat stronger, and he looked forward to the future with pleasant hopes;—a graver man than in the prime of his days, but still, with an eye that delighted in the radiance of a cheerful prospect, and with a heart that was warmed by the glow of social feeling. A more serene, and we may call it a richer light, tinted with less ardent but softer ray, played over the western horizon of his days, as their sun dipped nearer to its verge.

"In January," he had lately written to Judge Randall, "we shall all go down to Washington and pass the winter, till about the 20th of March, and next summer we shall go to the Springs. And, if we succeed in Florida, we shall probably be with you after two winters more, if we all live so long. I am in good health, now, thank Heaven! but quite lean. The rest of us are well. Can't you and our dear L. contrive to meet us at the White Sulphur, next summer."

Within a month after the date of the letter from which this short extract is taken, Christmas came. I have two records to show that this day did not pass without many pleasant thoughts in the mind of Mr. Wirt, and that the treasures of friendship had lost nothing of that high appreciation he was wont to set upon them. The two dearest friends of his youth, his manhood and his age, were fondly remembered.

To Judge Carr, he writes:

"This is a day when all our kindest reminiscences and feelings are awakened. To whom can I offer a 'merry Christmas' with a warmer and truer heart than to you? Certainly, to no one out of the bosom of my own family. Merrier Christmases we have both seen than, I suppose, we shall ever see again. For the days of thoughtless mirth, when we could laugh at any thing or nothing by the hour, are gone. But cheerful Christmases we may still have, for our hearts have not yet grown cold. Never, I feel confident, shall we turn a cold heart to each other. I have not felt satisfied at being so long in arrears to you; but I am always, somehow, busy, and the golden hour for a letter to a friend never seems to offer itself—the hour of ease, when no neglected duty haunts; when we have nothing to do but to follow, with our pens, the wanderings of our hearts. I wish mine would keep among the flowers, and never wander among the thorns, as it is too apt to do. Herein, as in most other things, you are a model for us all. You choose to see only the rosy side of things. You are wise,—unless we could pluck away the thorns by thinking of them. But this only gives them more point, and makes them more troublesome.

"I am rattling among the dry bones of my records for the Supreme Court. We go down on the 11th of next month. My health is so good that I hope to be able to bear all the labours of the winter without flinching, and to meet you at Lewisburg next summer, in better plight than I did last. May God bless you all, and make you as happy as your hearts can desire!"

To Judge Cabell, he writes on the same day:

"A merry Christmas to you, my dear C., and to all your fireside! I said to Mrs. W., just now, 'let us send for Dr. H. and Cabell to help us to make egg-nog for our company.' Poor, dear H.! Do you remember how delighted he was with his occupation at our sideboard, in the dining-room of our white house in Richmond? How he would talk and beat away, and laugh, and walk across the room occasionally to the fire-place? I think I can see him now, every moment hear his voice, see his dry, funny smile, and smack of his lips on tasting the egg-nog—and the wise shake of his head—'it is mighty near right, but not quite: I think it wants a *little* more spirit—what do you think, Mr. Cabell?' Bless his old heart, I say again! Alas! How long has it been since that excellent heart has ceased to beat! Oh world! world! this poor bargain of life! if bargain it may be called, in which we had no voice. Yet, what an excellent bargain we used to think it in those days, when we were in the prime of our manhood, doing well, and all our friends living and smiling around us!

"I believe the happiest time of a man's life is after he marries and sees a family of young children growing around him;—especially if they are all fine children, and he has an excellent and affectionate wife, and a circle of friends who admire and love him. This happy state we have both known. Our hopes and imaginations were all bright and buoyant, and painted the future only in colours of love and joy. Alas, how have these hopes been realized! Where are all those dear children? Where are all those friends? What is our condition? The world is the same, the planet keeps its place, the seasons revolve, and the young world still smiles. But, what are we!

'Away with melancholy,
Nor doleful changes ring
On life and human folly,
But merrily, merrily, sing—fol la.'

"So, I frequently break short this train of reflection and try to sing, sure enough;—but my voice sounds to me like bitter mockery, and my song ends in a sigh that shakes my inner man.

"If you suppose I think this wise and commendable, you are mistaken. I know it is weak and foolish. I know that the only course of wisdom is to do our duty with firmness and alacrity—to do all the good we can to our own families and our fellow-creatures, and to resign ourselves to the course of Providence. It is only the sanguine and unreflecting whom old age or misfortune takes by surprise, who suppose that there is anything novel or peculiar in their case."

The next mail from Florida, after the date of these two letters, brought Mr. Wirt sad tidings, in announcing to him the death of his daughter, Mrs. Randall, who sank under the attack of a pulmonary disease, on the 17th of December. This blow struck upon a breast already armed with patience and resignation. It excited no wild emotion nor bitter outbreak of grief, but it deepened the shadow which previous affliction had cast upon his mind.

"I look upon life as a drama"—he writes on this occasion to Judge Cabell—"bearing the same sort, though not the same degree of relation to eternity, as an hour spent at the theatre, and the fictions there exhibited for our instruction, do to the whole of real life. Nor, is there anything in this passing pageant worth the sorrow that we lavish on it. Now, when my children or friends leave me, or when I shall be called to leave them, I consider it as merely parting for the present visit, to meet under happier circumstances when we shall part no more."

In January, he repaired to Washington to attend the usual term of the Supreme Court. His engagements for this term were numerous. Amongst them were several causes of more than ordinary weight and importance. He had regularly attended the sittings of the court, until the 8th of February. His health was visibly improving, even in the midst of these labours, and his mind was growing more cheerful. What followed may be read, in a letter which was written towards the end of the month, by a distinguished gentleman who was then in attendance upon the court, a warm friend of Mr. Wirt's, and an anxious observer of the event.

"On the evening of Saturday, the 8th, Mr. Wirt was in playful spirits, and sanguine of the success of an argument which he was to make in court on Monday. He felt better satisfied with his preparation, he said, than with any he had made for years before. On Sunday he walked to the Capitol to church. It was a damp chilly day, and the Representatives' Hall was crowded and warm. To go immediately from it, into the cold, damp air, and to walk slowly, as he did, a mile to his lodgings, might have been deemed imprudent in one whose health was less precarious than his then seemed.

"That night he complained of a slight indisposition, and in the family worship of the evening prayed with an unusual fervour, and, seemingly, a foreboding spirit, which he communicated not, save to his God. But even this was sufficient to excite vague apprehensions in a family always ready to note and dwell upon whatsoever might seem to bode danger to a friend so dear.

"On Monday he was confined to his room. No serious apprehensions were entertained, but a physician was called in — it was only a cold. On Tuesday, he was worse, but we feared not the result.—On Wednesday, he was much worse—so much so as to excite alarm. On the evening of this day it was discovered that the disease was erysipelas—a new enemy, of which Mr. Wirt then expressed his fears — 'it was not the foe with which he had been so long accustomed to contend.'

"His constitution was too weak, as the physicians apprehended, to stand the vigorous treatment which would have been most efficient in destroying the disease. By Friday, the alarm had become very serious. The door was crowded by anxious enquiring friends.

"On Saturday, scarcely a glimmer of hope was left us. Death, from the first day of his illness, had continued to approach with a steady pace, and in a form more than usually hideous. The fine countenance so bright with intellect, so beaming with benevolence, was sadly altered.

"The attending physicians were Doctors Hunt and Hall. None could have been more anxiously attentive. The latter stayed by him every night, for the last four or five.

"About noon, on Monday, consciousness returned, and he had power to speak a few words. Nature had made a last effort to permit him to take leave of his family and friends, to give them assurance that he died in Christian hope, and to join with them in prayer to God. The Reverend Mr. Post officiated. In so much of the prayer as related to his family and his own acceptance with Heaven, he seemed heartily to join; but when a petition was offered that he might be restored to health, he audibly dissented—no, no!

"During the last eighteen hours he was tranquil as a child. Tuesday morning life flickered more faintly and all pulse was gone." He died at eleven o'clock on that morning, February 18th, 1834."

This sad event concludes our narrative of the life of a man who combined, in the most beautiful proportions, great talents with great virtues, and whose example is equally illustrious for the instruction it imparts towards the improvement of the mind, and of the affections.

Wherever the announcement of the death of William Wirt was heard, it was received with unaffected sorrow. At the Capitol, persons of every condition and of all political parties, united in a sincere tribute to that exalted worth which had no enemies, and which had a friend in every ingenuous heart.

On the 18th, the Supreme Court, immediately upon its meeting, adjourned until the following day. The members of the Bar assembled in the court-room. The Attorney-General, Mr. Butler, was called to the chair, and Mr. Sergeant of Philadelphia was appointed secretary,—when Mr. Webster addressed the meeting as follows:

"It is announced to us that one of the oldest, one of the ablest, one of the most distinguished members of this Bar, has departed this mortal life. William Wirt is no more! He has this day closed a

professional career among the longest and most brilliant which the distinguished members of the profession in the United States have at any time accomplished. Unsullied in every thing which regards professional honour and integrity, patient of labour, and rich in those stores of learning which are the reward of patient labour and patient labour only; and if equalled, yet certainly allowed not to be excelled, in fervent, animated, and persuasive eloquence, he has left an example which those who seek to raise themselves to great heights of professional eminence, will hereafter emulously study. Fortunate, indeed, will be the few who shall imitate it successfully!

"As a public man, it is not our peculiar duty to speak of Mr. Wirt here. His character, in that respect, belongs to his country, and to the history of his country. And, sir, if we were to speak of him in his private life and in his social relations, all we could possibly say of his urbanity, his kindness, the faithfulness of his friendships, and the warmth of his affections, would hardly seem sufficiently strong and glowing to do him justice, in the feeling and judgment of those who, separated now for ever from his embraces, can only enshrine his memory in their bleeding hearts. Nor may we, sir, more than allude to that other relation, which belonged to him, and belongs to us all; that high and paramount relation which connects man with his Maker. It may be permitted us, however, to have the pleasure of recording his name, as one who felt a deep sense of religious duty, and who placed all his hopes of the future in the truth and in the doctrines of Christianity.

"But our particular ties to him were the ties of our profession He was our brother and he was our friend. With talents, powerful enough to excite the strength of the strongest, with a kindness both of heart and of manner capable of warming and winning the coldest of his brethren, he has now completed the term of his professional life and of his earthly existence, in the enjoyment of the high respect and cordial affections of us all. Let us then, sir, hasten to pay to his memory the well-deserved tribute of our regard. Let us lose no time in testifying our sense of our loss, and in expressing our grief that one great light of our profession is extinguished for ever."

This speech was concluded by a series of resolutions expressive of the respect of the bar, and their condolence with the family of the

deceased. Mr. Southard was selected by this meeting to pronounce a discourse upon Mr. Wirt's professional character and virtues; and a committee appointed to request that the body might be interred in the city of Washington, and the professional brethren of the deceased be permitted to raise a suitable monument to his memory.

On the next day the Attorney-General, in compliance with the instructions of this meeting, presented its proceedings to the Court, concluding an appropriate reference to the subject, with these words:

"It, therefore, only remains that I should ask, in the name of the assembled bar,—and, in reference to such a man as William Wirt, I may add, in the name of the whole legal profession of our country,—that this humble tribute to ability and worth, this faint but sincere expression of deep regret, be incorporated in the records of this Court."

Chief Justice Marshall replied—

"The Court have received intelligence of the afflicting event which has produced the meeting of the Bar, and the application just made, with those emotions which it was but too well calculated to excite. I am sure I utter the sentiment of all my brethren when I say we participate sincerely in the feelings expressed from the Bar. We, too, gentlemen, have sustained a loss it will be difficult, if not impossible, to repair. In performing the arduous duties assigned to us, we have been long aided by the diligent research and lucid reasoning of him whose loss we unite with you in deploring. We too, gentlemen, in common with you, have lost the estimable friend in the powerful advocate. Most heartily do we assent to the motion which has been made."

The funeral took place on the 20th. The highest honours were rendered to it. Both Houses of Congress adjourned, to enable their members to attend the body to the tomb. Such a proceeding had never yet been accorded by the National Legislature, except to deceased members of one or the other House. In the procession were seen the President of the United States, the Vice-President, the Heads of Departments, the Diplomatic Corps, the Bench and Bar of the Supreme Court, the members of the two Houses of Congress, officers of the Army and Navy, and a large concourse of private citizens. The body was conducted to the National Cemetery, and around

the tomb were gathered the most illustrious of the land. Adams, Jackson, Calhoun, Van Buren, Marshall, Story, Clay, Webster, Southard, Taney, Binney, Sergeant, Woodbury, Everett, Cass, Generals Scott and Macomb, Rogers and Chauncey, and many others whose renown in council, in court, in camp and on sea, have added lustre to the history of the nation, were the witnesses to the laying down of the remains of William Wirt in their last resting-place.

The proceedings of the House of Representatives on the 21st of February, are worthy of special notice. They afford us an opportunity to record an eloquent tribute from John Quincy Adams to the merits of his friend and companion through many years of public service. No one could speak more authentically of Mr. Wirt than Mr. Adams. No praise could be more sincere nor more discriminating than his. I give the proceedings to which I refer, as I find them in the journals of the day.

"When the Speaker (Mr. Stevenson, of Virginia,) called the House to order,

"Mr. Adams addressed him, before the reading of the journal, as follows:—

"Mr. Speaker, a rule of this House directs that the Speaker shall examine and correct the journal *before* it is read. I, therefore, now rise, not to make a motion, nor to offer a resolution, but to ask the unanimous consent of this House to address to you a few words, with a view to an addition which I wish to be made to the journal, of the adjournment of the House yesterday.

"The Speaker, I presume, would not feel himself authorized to make the addition in the journal which I propose, without the unanimous consent of the House; and I therefore now propose it before the reading of the journal.

"I ask that, after the statement of the adjournment of the House, there be added to the journal, words importing that it was to give the Speaker and members of the House the opportunity of attending the funeral obsequies of William Wirt.

"At the adjournment of the House on Wednesday, I did not know what the arrangements were, or would be, for that mournful ceremony. Had I known them, I should have moved a postponed adjournment, which would have enabled us to join in the duty of paying the last

tribute of respect to the remains of a man who was an ornament of his country and of human nature.

"The customs of this and of the other House of Congress, warrant the suspension of their daily labours in the public service, for attendance upon funeral rites, only in cases of the decease of their own members. To extend the usage farther, might be attended with inconvenience as a precedent, nor should I have felt myself warranted in asking it upon any common occasion.

"Mr. Wirt had never been a member of either House of Congress. But if his form in marble, or his portrait upon canvass, were placed within these walls, a suitable inscription for it would be that of the statue of Moliere in the Hall of the French Academy—'Nothing was wanting to *his* glory: *he* was wanting to ours.'

"Mr. Wirt had never been a member of Congress; but for a period of twelve years, during two successive administrations of the National Government, he had been the official and confidential adviser, upon all questions of law, of the Presidents of the United States; and he had discharged the duties of that station entirely to the satisfaction of those officers and of the country. No member of this House needs to be reminded how important are the duties of the Attorney-General of the United States; nor risk I contradiction in affirming that they were never more ably or more faithfully discharged than by Mr. Wirt.

"If a mind stored with all the learning appropriate to the profession of the law, and decorated with all the elegance of classical literature; if a spirit imbued with the sensibilities of a lofty patriotism, and chastened by the meditations of a profound philosophy; if a brilliant imagination, a discerning intellect, a sound judgment, an indefatigable capacity, and vigorous energy of application, vivified with an ease and rapidity of elocution, copious without redundance, and select without affectation:—if all these, united with a sportive vein of humour, an inoffensive temper, and an angelic purity of heart —if all these in their combination are the qualities suitable for an Attorney-General of the United States,—in him they were all eminently combined.

"But it is not my purpose to pronounce his eulogy. That pleasing task has been assigned to abler hands, and to a more suitable occa-

sion. He will there be presented in other, though not less interesting lights. As the penetrating delineator of manners and character in the British Spy—as the biographer of Patrick Henry, dedicated to the young men of your native commonwealth — as the friend and delight of the social circle—as the husband and father in the bosom of a happy, but now most afflicted family,—in all these characters I have known, admired and loved him; and now, witnessing, from the very windows of this hall, the last act of piety and affection over his remains, I have felt as if this House could scarcely fulfil its high and honourable duties to the country which he had served, without some slight, be it but a transient notice of his decease. The addition which I propose to the journal of yesterday's adjournment, would be such a notice. It would give his name an honourable place on the recorded annals of his country, in a manner equally simple and expressive. I will only add, that while I feel it peculiarly incumbent upon me to make this proposal, I am sensible that it is not a fit subject for debate; and, if objected to, I desire you to consider it as withdrawn."

"The Chair stated that the rule in reference to the journal which had been read, referred to the duties of the Speaker when *out* of the chair, not *in* it. The Speaker had not felt himself warranted to insert any further record in the journal of yesterday, than the simple fact of the adjournment; but if it was the pleasure of the House that the clause proposed should be added, the Chair would most cheerfully assent.

"Mr. J. K. Mann, of Pennsylvania, objecting—

"Mr. Blair, of South Carolina, inquired whether the pleasure of the House could be obstructed by the objection of a single member?

"The Chair said, that if a motion should be made, a majority of the House could, of course, have their journal modified to suit their own pleasure.

"Mr. Adams then observed, that he had hoped no objection would have been made; but as it seemed not to be sustained by the general sense of the House, he would renew his motion that the clause he had read be added to the journal of yesterday's proceedings.

"The question being put, it was agreed to without a division, by nearly an unanimous vote."

Whilst these scenes occupied those who sojourned in the capital of

the United States, the tidings which diffused through the country the knowledge of the loss it had sustained, were everywhere received with becoming expressions of respect and mourning. The Bench and Bar, in almost every State, paid the honours of a recorded testimony to their opinion of the merits of William Wirt. A large circle of friends in Maryland and Virginia—the first, the land of his birth and latest residence; the other, that of his most cherished associations—lamented him, gone, with an affectionate remembrance which few men were able so profoundly to inspire; and that nearer group, which nature had allied to his blood and kindred, ever amongst whom his "coming was a gladness," and his presence a centre of continual joy and love, bewailed his loss with a grief too sacred for the intrusive notice of these pages.

CHAPTER XXI.

HIS PERSONAL APPEARANCE.—MANNERS.—CONVERSATION.—THE NIGHT OF THE SNUFF-BOX. — HIS FONDNESS FOR YOUNG PERSONS.—SCENE AT ANNAPOLIS.—REMEMBRANCE OF OLD FRIENDS. —LOVE OF MUSIC. — STORY-TELLING. — SCENES AT BERKELEY DURING THE CHOLERA.—DOGGREL VERSES.—EPIGRAM.—PROFICIENCY IN CLASSICAL STUDY.—SENECA.—PROFESSIONAL CHARACTER.—STYLE OF HIS ORATORY.—HIS MANNER OF SPEAKING. —PREPARATION.—DISLIKE OF DINNER-TABLE SPEECHES.—HIS RELIGIOUS CHARACTER.—EARLY IMPRESSIONS.—ACTIVE PARTICIPATION IN BENEVOLENT SOCIETIES.—THEOLOGICAL STUDIES. —PREFACE TO RENNELL'S "REMARKS ON SCEPTICISM."—HIS RELIGIOUS TOLERANCE.—DISLIKE OF ENTHUSIASM.—SINCERITY OF CHARACTER.

IN the prime of his life, Mr. Wirt was remarked for his personal beauty. With a tall figure, ample chest and erect carriage, there was no great appearance of muscular strength, but a conspicuous ease and grace of motion. His head was large, and in good proportion to his frame; the features of his face strongly defined. A large nose, thin

and accurately formed lips, a chin whose breadth gave to his countenance an approximation to the square rather than the oval outline—clear, dark blue eyes, looking out beneath brows of widest compass, and the whole surmounted by an expanded and majestic forehead—imparted dignity and intellectual prominence to a physiognomy which the sculptor delighted to study. A curled, crisp and vigorous growth of hair—in his latter days almost white—clustered upon his front, and gave an agreeable effect to the outline of his head and face.

Towards the close of his life, severe study and the infirmities of his constitution had made a visible trace upon his exterior. He lost somewhat of his firm and perpendicular port; his complexion became sallow; his eye faded into a lighter blue, though it grew even kindlier in expression.

His letters sufficiently indicate the character of his manners. They were gentle, courteous and winning. His voice was clear and sweet, and variously modulated by an ear of the finest musical perception. His laugh, never boisterous, was sly, short, and full of the gaiety of his temper. Few men ever had a keener insight of the ludicrous. It never escaped him, however little he might be on the watch for it. Sterne, for this reason, amused him above all other authors in light literature. The quiet humour of Tristram Shandy, and those exquisite drolleries which lie in ambush in every page, were the most familiar recollections of his reading. Many of them may be found covertly lurking through his letters.

His conversation was exceedingly attractive. It seldom fell into discourse, but played with all kinds of amusing topics. It was suggestive, provoking thought in others, and fortifying them with opportunity to contribute somewhat to the purpose, from their own reflection or memory. No man was more free from that odious habit of endeavouring to say "smart things;" which sometimes misleads even persons of good repute for social talent.

Wirt's playfulness was contagious. It made his friends forget the time which was running by, and even the good cheer of a convivial meeting. An amusing evidence of this occurred in Baltimore, before he became a resident of that city. He was returning one night, about ten o'clock, to his lodgings from a visit, when his friend Meredith met him in the street, and invited him to join a little family party at his

house, at supper. Wirt, either doubtful whether his friend was in earnest,—for the character of the intercourse between them often rendered this a difficult point to determine,—or struck with the incongruity of his challenge to a supper, when he was about retiring to his bed, answered Meredith's invitation in a jocular way, saying, "Yes, I'll come, and I'll give you enough of it." On Meredith's return home, he found there Dr. Pattison,—who was then a resident of Baltimore, now a distinguished physician of Philadelphia,—and detained him to supper. Wirt had not come when the party sat down to table, and Meredith had ceased to expect him, when, near the conclusion of the supper, he made his appearance. He took his seat, ate very moderately and drank less. The supper was removed, and Wirt gave an intimation to the ladies who were present, that, as it was bed-time, they had better retire. They obeyed; and Meredith, the Doctor and Wirt found themselves sitting at the table alone. The cloth was drawn, and a small residuum of a decanter of Scotch whiskey, perhaps, was the only drinkable before them. That remained untouched, and was finally taken away. A snuff-box was placed on the table, and the party, as Meredith and Doctor Pattison supposed, was about to break up, it being after midnight. But Wirt was in excellent mood for conversation, and gave full play to all his resources. He took snuff freely, told stories of a lively cast, mooted questions of science of the gravest as well as the lightest import, provoked jocular discussions, and, in short, raised his comrades to a key of enjoyment as high as his own. No one thought of the hour. They were eventually aroused to a consideration of the time they had spent over their solitary snuff-box, by the entrance of the servant and the opening of the shutters, which disclosed to them the broad daylight. Wirt had premeditated this adventure, and was greatly amused at his success, when he found his companions expressing their amazement at this unconscious lapse of the night.

The simplicity and sincerity of his manners attracted to him the friendship of persons of every class; but they seemed to win, in an especial degree, the confidence of the young. He was very fond of boys. They are apt to discover this trait in their friend, and to presume upon it. In this respect they have something resembling that canine instinct, by which dogs seem to know from whom they may

expect caresses. I remember, on one occasion, to have seen Mr. Wirt rather annoyed by this.

The Court of Appeals of Maryland hold their summer term at Annapolis in June and July. The members of the bar from various parts of the State assemble here at this season, and are generally lodged in one hotel. When Mr. Wirt was Attorney-General, he regularly attended this court. He and Mr. Meredith usually occupied a large comfortable chamber in the hotel in common, when the house was too much crowded to allow them separate apartments. In that day, Annapolis had not fully advanced to that stage in modern progress, which made the traveller always sure of a single-bedded room, even in this, the chief tavern of the city. Most of the rooms of this house were still arranged in the old fashion, very large, with several windows to each room, and these generally without shutters. Each chamber furnished accommodation for a little squad of legislators in winter, and of lawyers in the summer.

The weather, during the sitting of the court, was often very hot. The bench and bar made a mess who dined together; and it was usual, after dinner, when the allowance of champagne was exhausted, to spend an hour in the evening *siesta*. Sometimes, instead of sleeping, several gathered together in one room, and amused themselves in that easy and sportive story-telling diversion, which is characteristic of the leisure of the profession. Wirt's and Meredith's room was apt to be the resort of a little "college of wit-crackers" at these times. Not unfrequently, two or three might be seen stretched on one of the beds, with their feet set up against each bed-post, whilst Wirt, in a loose, light wrapper, either walked the room or sat in the breeze of the window, indulging in all kinds of waggery,—especially against M——, who was very able to take care of himself in these encounters,—or talking over old scenes of the Virginia bar, or suggesting odd questions for debate: in short, amusing the company with whatever crotchet his playful mind invented. As the sun went down, his thoughts were directed to a swimming party in the Severn, which was a favourite recreation after a hot day. "The hour is come," I have heard him say; "let us be off, boys." Every one gladly obeyed his summons; and some eight or ten set out for the college green, which jutted down, in a beautiful promontory, upon an exquisite sheet of clear water.

This formed a secluded little lake in the rear of St. John's College, shaded by the dark foliage which overhung a large portion of its margin. On one occasion, whilst our party was in the water, the boys of the college had taken possession of a neighbouring point of land, which gave them access to the same swimming-ground. This troop had no sooner got afloat, before they became aware that the Attorney-General was on the deep. He might be descried by that white curly head, and by the laughing face with which he buffeted the wave. In this unsophisticated state, the boys seemed to think all distinctions of rank and age were broken down; and so, with one accord, the whole squadron directed their course towards him, surrounded him, as hounds the swimming stag, contracted their circle, and commenced upon him a furious onslought, in showers of water dashed upon him with their hands. His laugh was heard ringing above the clamour around him, and his hand was seen returning the blow as steadily as the best of them; but, overcome at last, he was obliged to beg for quarter. The boys, having won the victory, retired. The Attorney-General, too good-natured to chide, found it necessary to be more careful afterwards in the selection of his hour for bathing.

He delighted in old remembrances of pleasant persons and things, meditating on the good he had observed in character, and charitably passing over the bad. "In the whole of my intercourse with him," said a gentleman who knew him well, "I never heard a remark fall from his lips that was tainted with bad feeling. His heart appeared to have his memory in keeping, and though his sarcastic observation sometimes induced him to pour forth sallies lively and severe, there was always some redeeming praise to shield the breast from the dart he aimed at it. He would not, for worlds, have purchased a smile at the expense of the feelings of a friend."

He took pleasure in speaking of the merits of persons in humble life, — old comrades or old servants, — especially such as had been roughly handled by the world. The slightest kindness was indelibly engraven upon his heart. He never forgot the author of it, nor his generations. The children, and the children's children of an early benefactor, received his acknowledgments and useful service, whenever the fortune of life brought them to his notice.

He had a great fondness for music, and no small proficiency in it.

He often amused himself with writing down tunes from his memory, and, perhaps, sometimes composing in a small way. This taste induced him to cultivate the musical talent of his children; and they all excelled in the art. Many friends in Washington and Baltimore will remember the pleasant family concerts which the group around Mr. Wirt's fireside were accustomed to supply. During that period when the cholera detained him and his household at Berkeley Springs, —in August and September, 1832,—those who were there with him cannot forget the well-arranged little musical parties of the evening, in which he and his children were the only performers. Being myself, for a portion of this time, one of the company, I recall, with especial interest, the incidents of our sojourn. In September, the Springs were nearly deserted. Not more than twenty persons remained to occupy two large houses, which, a few weeks before, had been full. Mr. Wirt's family, with half a dozen other individuals, lodged in one house. During the day-time, we rode on horseback, bathed, and lounged about the deserted grounds. In our rides we sometimes visited the country people, where Mr. Wirt found a great entertainment in learning all about them. He picked up, on these occasions, some materials for ghost or witch stories, which he treasured up for use in the evening. When night came, the little party of lodgers gathered into a small parlour where there was a piano, and our concert began. When that was finished, and the bed-hour was at hand, all were summoned around Mr. Wirt to hear a most horrifying tale of witchcraft, or of a haunted wood, or of the horse that could see a spectre. He began these stories with such an exciting prelude of his own apprehensions, and with such a foreshadowing of what was to come, that the listeners grew exceedingly eager and serious, and huddled together as near as they could draw their chairs. The story was artfully managed to keep up this interest; and although the ghost, at the end, was apt to turn out to be no ghost after all, the great amusement of the evening was to see with what faint-heartedness the younger portion of the auditory took their candles, and set off to walk to their distant sleeping-rooms, through the long, naked passages of the empty house, where every foot-fall gave back a fearful echo that made their hearts quake. They departed generally in mass, — then broke into pairs: the rapid beat of footsteps,—a shriek

—and a laugh, told very distinctly the serio-comic terrors of the journey to the bed-room.

The expectation of a fresh story every night, and the gratification of it, gave zest always to the hour, and converted the sojourn at the Springs, during the period of the pestilence, into another Decameron, not unlike that which Boccacio has made immortal.

Mr. Wirt once said to a friend, that, in looking over his old papers, he was amused to discover he had sometimes fancied himself a poet. I find, amongst the relics of his manuscript, some little evidence of this fancy. He never very assiduously cultivated the art of rhyme, but he still had a facility in it which he would not have found it difficult to improve. His intercourse with Judge Tucker, Judge Cabell and his brother, and some other intimate friends, whilst he lived in Richmond, furnished frequent occasion for wit in doggrel and fun in rhyme, which was not sparingly improved. I find some songs which belong to this association, and some sallies of pleasantry, which afford better memorials of the free jollity and fellowship, and sparkling good humour of the comrades, than of the skill with which they compacted their verses. More to commemorate the former quality than the latter, I have selected the following specimen of this intercourse.

Judge Tucker had submitted to the criticism of his friend what he called "a Pindaric Ode," by "Jonathan Pindar." It was a political satire against some proceedings in New England, and professed to come from that quarter. Mr. Wirt's reply is directed to Jonathan Pindar, in something of an imitation of the metre of the ode.

"Now, brother Jonathan, I vow
I think as how,
Your ode is very, very good;
I do, by blood!
It has the fire
Of the Theban lyre,
And still that fire covered with the cinder,
Marks the sly humour of the British Pindar.
If short it is as McM—h—n has said,
(Whose works, I guess, you must have read)
'Tis a Pindaric Ode, I swear,
'In imitation of Shakspeare.'

But yet with due submission, I must say,
That once or twice your rhymes have gone astray:
For instance — neither to my eye or ear
Does it appear
That 'Bernard'
Forms a very happy rhyme to 'earned.'

Again, I pray,
As I am ignorant of the scaly nation—
—'I only ask for information.'
(Like Diddler in the play.)
I wish to know if whales
Have scales?
I do confess I know not much about it,
But yet, I doubt it.

I further do suspect that 'Endicott'
Presents no lawful rhyme to 'cut.'
Unless my ear be lame
The sounds are just the same.
You can't deny it, sir, the thing is plain;
For, first 'tis Endicott, then 'cut' and come again.
Besides, it is not clear
At least, to my dull ear,
As happy as I own the thought to be,
That 'weaned'
And 'stained'
In point of rhyme do very well agree;
Unless, to make it plain,
I, like an Irishman, would call 'wean' 'wain.'

Also, with bow most humble,
To Mr. Trumbull,
Crown'd, as he is, with glory's halo bright,
I do not think his 'Putnam'
And 'mutton 'em'
The very happiest rhyme that ever came to light.
In point of tone 'tis somewhat Hudibrastic,
The thought, too, sprightly and elastic:
And, being so much like Sir Hudibras,
For *once* might pass.

But from a second time, I think
That I should shrink.
Borrowing, I own, is not a crime,
But if I were to borrow,
(A thing which I should ever do with sorrow)
It should be something better than that rhyme.

Once more, sir, by your leave,
Although I see
I've spoiled your glee,
And that you'd gladly have a short repricve:
As you're a Yankee,
I would thank ye
To say if it be true that Yankee mothers
Do give the same
Baptismal name
Unto two Yankee brothers!
If not, sir, tell me, I request,
By whom your ode is signed—*to* whom addressed!

Thus, sir, instead of brilliant witticisms,
I greet you with a set,
As dull as poet ever yet did fret,
Of hypercriticisms.
Alas!—what stuff I write!
Heighho!—good night!"

Here is an epigram from an album:

"Pray can you tell me why," said Tom to Will,
"A lady's Album is so hard to fill!"
"Because," says Will, "the lady wit exacts,
And wit cannot be raised by direct tax."
"It is a poll tax, William," Tom replies.
"Then it is worse and worse, sir," William cries.
"An *equal* tax from every head exacted!
Blood from a turnip, sir, was ne'er extracted."

Wirt's sins, in this kind, were not very flagrant. What I have brought to light, therefore, may claim indulgence. I should not have produced them at all, were it not that I do not consider my task com-

plete without exhibiting every side of the character I am describing, as it was seen to his friends.

I proceed to the graver lineaments of his character. Mr. Wirt was a highly cultivated and well-read Latin scholar. Few men possessed a nicer perception of the critical beauties of the classical authors in that language, or found greater enjoyment in the study of their philosophy. He knew nothing of Greek, and often deplored his neglect of it. But in the literature of the Latin language he was highly conversant. There was scarcely a good idea in Seneca, Quintilian, Horace and their brother moralists and poets—I have this from the personal knowledge of a gentleman (himself a ripe and accomplished scholar) who, as a student, had constant access to Mr. Wirt's books—that was not marked and marked again in his copies of their works. A pocket edition of Horace was his constant companion upon his journeys. Seneca was his favourite. He often snatched up the old vellum-bound copy—says my informant,—which he read so frequently, and exclaimed—"I like this old fellow: he is so full of meaning. They accuse him of false fire. But, for my part, I admire his antithetical style. His sentences are so pointed and brilliant; and he sometimes reasons so like a Christian philosopher, that one can scarcely tell how he came by his notions."

In more than one letter which I have introduced into these volumes, the reader has observed with what unction he employed himself, in the latter portion of his life, in the re-perusal of Cicero's works, and with what a just appreciation of their merits, both in matter and diction, he passed his judgment upon them. This devotion to classical literature, enabled him often at the bar to make a felicitous illustration of a thought in the words of an ancient author, in which his success never failed to attract attention. "In the company of men of letters,"—he was accustomed to say—"there is no higher accomplishment than that of readily making an apt quotation from the classics; and before such a body as the Supreme Court these quotations are not only appropriate, but constitute a beautiful aid to argument. They mark the scholar,—which is always agreeable to a bench that is composed of scholars."*

* For these brief notices of Mr. Wirt's studies, I am indebted to my friend Mr. Wallis, who had read law under the guidance of the Attorney General.

The reader has had constant occasion to remark, throughout this Memoir, Wirt's ardent devotion to his profession. To attain to the highest eminence in that was the great aim of his ambition. All other studies—except those which belonged to the cultivation of his religious faith — were subsidiary to this purpose. A great ideal of perfection was always present to his mind—that "aliquid vastum et immensum" to which he so frequently refers—and towards which he seemed to strive, with unceasing effort, to the last. He was fond of appealing to the fame of the great luminaries of the law, in the way of incentive to the young, urging these never to remit their labours whilst strength and hope remained. "I wish you," he remarks in one of his letters to his son-in-law, Judge Randall—"to observe particularly the *action* of Marshall's mind, — of whom Pinkney said, the first time he heard an opinion from him, 'that he was born to be the Chief Justice of any country into which Providence should have cast him.' I wish you to study the action of his mind, and compare it closely and carefully with that of Mansfield, Hardwicke, Kenyon and Thurlow. These are the great steamships of the law, to which we should lash ourselves till we catch and learn to keep their momentum, and become steamships in our turn."

Such models he ever proposed to himself, and dedicated the day and the night to the exploration of the paths they trod. He became, in the maturity of his career, one of the most philosophic and accomplished lawyers of his time. In earlier life, he was remarked for a florid imagination, and a power of vivid declamation,—faculties which are but too apt to seduce their possessor to waste his strength in that flimsier eloquence, which more captivates the crowd without the bar, than the Judge upon the bench, and whose fatal facility often ensnares ambitious youth capable of better things, by its cheap applause and temptation to that indolence which may be indulged without loss of popularity. The public seem to have ascribed to Mr. Wirt some such reputation as this, when he first attracted notice. He came upon the broader theatre of his fame under this disadvantage. He was aware of it himself, and laboured with matchless perseverance to disabuse the tribunals, with which he was familiar, of this disparaging opinion. How he succeeded, his compeers at the bar have often testified. None amongst them ever brought to the judgment-seat a more complete

preparation for trial:—none ever more thoroughly argued a cause through minute analysis and nice discrimination of principles. In logical precision of mind, clearness of statement, full investigation of complicated points, and close comparison of precedents, he had no superior at the bar of the Supreme Court. He often relieved the tedium of argument with playful sallies of wit and humour. He had a prompt and effective talent for this exercise to which his extensive and various reading administered abundant resource; and he indulged it not less to the gratification of his auditory than to the aid of his cause,—for polished rhetoric often becomes to the orator a masqued battery, either to surprise the enemy by unexpected attack upon an unguarded point, or, by concealment, to give to a smaller force the power of one of greater numbers. In such tactics, Mr. Wirt was well versed. In sarcasm and invective he was often exceedingly strong, and denounced with a power which made transgressors tremble;—but the bent of his nature being kindly and tolerant of error, he took more pleasure in exciting the laugh, than in conjuring the spirit of censure or rebuke.

His manner in speaking was singularly attractive. His manly form, his intellectual countenance and musical voice, set off by a rare gracefulness of gesture, won, in advance, the favour of his auditory. He was calm, deliberate and distinct in his enunciation, not often rising into any high exhibition of passion, and never sinking into tameness. His key was that of earnest and animated argument, frequently alternated with that of a playful and sprightly humour. His language was neat, well chosen, and uttered without impediment or slovenly repetition. The tones of his voice played, with a natural skill, through the various cadences most appropriate to express the flitting emotions of his mind, and the changes of his thought. To these external properties of his elocution we may ascribe the pleasure which persons of all conditions found in listening to him. Women often crowded the court-rooms to hear him, and as often astonished him, not only by the patience, but the visible enjoyment with which they were wont to sit out his argument to the end,—even when the topic was too dry to interest them, or too abstruse for them to understand his discourse. It was the charm of manner, of which the delicate tact of woman is ever found to be the truest gauge and the

most appreciative judge. His oratory was not of that strong, bold and impetuous nature which is often the chief characteristic of the highest eloquence, and which is said to sway the Senate with absolute dominion, and to imprison or set free the storm of human passion, in the multitude, according to the speaker's will. It was smooth, polished, scholar-like, sparkling with pleasant fancies, and beguiling the listener by its varied graces, out of all note or consciousness of time.

He required preparation, and was most industrious in his application to it, rarely allowing himself to address courts or juries until he had had time to adjust his ideas and arrange the order of his discourse. He had, indeed, a great aversion to extemporary speaking, and always avoided it, when possible. That practice of dinner-table oratory, which has of late become so distressingly common — the evil genius of all public convivialities, and the opprobrium and horror of whatsoever private symposium it invades — was, fortunately for Mr. Wirt, not so unhappily rife in his day; but still, it occurred often enough to his experience to bring him occasionally into that state of comical perturbation, which even the discipline of our times has not altogether conquered in the best speakers. He invariably escaped it, when "cornered," by the slightest possible display in the fewest words. A man has the worst theme in the world, when his subject is himself; and the humour which is extorted from one, doomed to confront a company who expect to be amused by a witty speech, is apt to be of a very disconsolate and even desperate kind. Scarron, on such occasions, would, doubtless, make a better show than Demosthenes.

Mr. Wirt's preparations for a speech, as several briefs I have seen attest, were very minute in all points of argument, and frequently in the phrase of some striking passage; though, in general, the texture of his language was unstudied. I believe he never wrote a speech before the delivery of it — though he has, on more than one occasion, done this afterwards; and it has always been remarked that many of the most felicitous turns and expressions of thought have been lost in the subsequent attempt to recall the speech.

Without claiming for Mr. Wirt the renown of the most powerful orator or the profoundest lawyer in the country, it is sufficient praise to say, that he stood beside the first men of his day, equal in rank

and repute, and superior to most, if not all, in the various accomplishments which he brought to the adornment of his profession.

Of the religious cast of his mind there are many demonstrations throughout these pages. His sincere and devout humility are apparent in every line he has written. I have had occasion to remark that, even in the most thoughtless days of his youth, it was not difficult to detect the hues of a religious temper, which, to a certain extent, imparted their colouring to his mind and imagination. Even his boyish impressibility to superstitious influence, which we have noticed in his childhood, was the offspring of that reverence which ripened into religion. We have an early reminiscence in a letter to Mr. Pope, which relates a fact strongly illustrative of this feature of his mind. "I have a great partiality," he says, "for the Baptists. My first favourite preacher in early life was a Baptist. His name was Jerry Moore; and a powerful man he was. Not refined, but rough and strong, of copious and even impetuous volubility, keen, acute, witty, full of original observation, and, as a reasoner, I have seldom heard him surpassed. He was a most interesting preacher. He lived in Loudon County, Virginia, and used to come to the Seneca church, or rather meeting-house, in Maryland, to preach. It was a Baptist neighbourhood, and I lived in it for eighteen months, and became very much attached to the people. Towards the close of that time we had a most learned man established as the regular preacher, at the same place. His name was Thomas, a Doctor of Divinity. He was a strange old gentleman, as solitary in his habits as a ghost. He took no part in the management of his domestic affairs, but left all worldly business to his wife, and devoted himself exclusively to his books and his pulpit. He was so very near-sighted as to be almost blind; a very ungainly, little old man with a cracked voice, and odd and awkward in his delivery. Yet that man was very near running me mad. I was only sixteen or seventeen years old, extremely susceptible and tender-hearted, and he made such dead-sets at me, that I was within an ace of insanity. If my physician had not advised me to seek a southern climate (for I had some consumptive symptoms), I should either have died in a lunatic asylum or become a Baptist preacher. I went to Georgia, passed one winter, and returned cured of my consumption and religious enthusiasm."

As life advanced, his convictions of the truth and value of Christian revelation, and of the duties it imposed upon him, became more earnest and profound. He devoted a portion of his time, every day, to the reading of the scriptures; engaged in a comprehensive study of theology; cultivated habits of prayer and meditation, which he promoted and encouraged throughout his family; and frequently employed his leisure in the composition of religious essays and records of private devotion. He took great interest in the promotion of moral and religious institutions, in the Missionary labours of the churches, in the extension of the Sunday schools, in the success of the Bible Societies, —and was, at the time of his death, the President of the State Bible Society of Maryland. He was a most effective friend of the cause of temperance, and often sought opportunity to testify to the great importance which he attached to the labours of the societies connected with it. "I have been for more than forty years"—he remarks, in a letter which has been frequently published—"a close observer of life and manners in various parts of the United States, and I know not the evil that will bear a moment's comparison with intemperance." In short, the latter years, especially, of Mr. Wirt's life furnish us the spectacle of a highly gifted, thoughtful and accomplished mind stimulated by a fervent and sincere piety, and employed in the promotion of every good work suggested by enlightened benevolence or Christian duty. His theological studies were systematically pursued through many years, in whatever leisure his profession allowed him. His favourite authors were Hooker, Baxter, Watts, Faber, Flavel, Robert Hall, Doddridge and Jay. Massillon and Bourdaloue were frequently in his hands. Of Baxter, he says, in a letter to his daughter—"I took up the 'Saint's Rest' lately, and found it like an old sandal-wood box, as fresh and fragrant as if it had just been made, although it has been exhaling its odour for a hundred and eighty years."

He had been a careless witness, in his younger day, to that prevalence of free-thinking, in reference to the authenticity of the Christian religion, which, at that period, had become somewhat notable in Virginia. The reflections of his riper age pictured this tendency of opinion, to his mind, as an insidious and fearful malady, which was not less destructive of the integrity of the social constitution, than it was perilous to the individual. He had himself read Voltaire, Bolingbroke,

Hume, Gibbon, Shaftesbury, Rousseau, Paine, and Godwin, and other strong or striking writers of that school; but they had not shaken the ground-work of his faith. He could read and admire, discriminate and repel. He was, nevertheless, fully aware of the fascination which their learning, genius, wit and eloquence gave to their intrepid scepticism. He had often occasion to remark how brilliant paradox and bold assault upon common opinion, witty apophthegm and dexterous satire captivate even vigorous minds, predisposed by education or by temper to assail whatsoever rests upon the authority of the past; and his personal experience had warned him how much more subtly these devices were calculated to ensnare and capture the unfortified mind of youth. This conviction ripened into a painful solicitude of which we have many proofs in his correspondence. His admonitions to his children and to his younger friends are often pointed against this danger. I find his letters urging them to the careful perusal of Horne's Introduction to the Critical Study of the Scriptures, Bishop Watson's Apology for the Bible, in answer to the Age of Reason, Butler's Analogy, Paley's Evidences of the Christian Religion, Addison's Tract on the same subject,—Faber's Difficulties of Infidelity, and other works of this class. To Horne's Introduction, particularly, he was accustomed to express his obligations for the conviction of his own mind,—and he never lost an opportunity of commending it to a friend.

We have a contribution from his own pen in aid of this cause, in an essay written by him, as a preface to Rennell's "Remarks on Scepticism," of which an American edition was proposed to be given by a publisher in Baltimore. This work was composed with a view to controvert the theory of Organization and Life, of Bichat, Morgan and others, and contains a powerful summary of the argument against materialism. Mr. Wirt's preface presents a well-digested and elaborate exposition of the question, and a just commendation of the work it was intended to precede. It was written by him a short time before his death; and as the purpose of re-publication seems to have been abandoned, the preface has never got into print.

Notwithstanding his devotion to theological study, he seems to have attached but little importance to the shades of doctrine which distinguish the various sects of the Christian Church. He judged

religion by its duties more than its dogmas, and was the most tolerant of men in matters of conscience. He says somewhat playfully,—in reply to the question of a friend—"I don't know about joining the Episcopalian church. I don't like to give up the Presbyterian, which was the church of my fathers. For I was born a Presbyterian, I was baptized a Presbyterian, I was inoculated a Presbyterian, I was educated a Presbyterian—old Parson Hunt having performed the last three processes for me—I married a Presbyterian, the marriage ceremony was performed by a Presbyterian, all my children were born Presbyterians by right both of father and mother, and they have all been baptized Presbyterians by the same minister who married their parents. Now, it is not an easy matter for me to break all these ligaments. However,—if my wife says the word—so be it. I can worship God as sincerely and devoutly under one roof as another, and have felt as much devotion in a Roman Catholic Cathedral as in any other temple of worship."

This is the declaration of a man of unquestionable sincerity, who had read much and thought more on the momentous subject of Christian faith and hope. It was uttered at that period of life when man, in the review of a lengthened past, finds his judgment purified and made more just, by the honest admonition of a short future. It was uttered, too, by a man, earnest, devout, zealous in all that concerned his spiritual welfare. We discern in such a declaration, an index to the author's indifference to those points of contention which have so often distracted Christendom and curdled the milk of Christian brotherhood,—making implacable enemies of those whom charity should have bound in indissoluble friendship.

Mr. Wirt's estimate of religion was directed rather to what it taught men to do, in contradistinction to what, in the region of theology, it taught them to think; he was therefore much less devoted to sect than he was to that higher essence of Christianity which is common—or professes to be so—to all sects. Duty had an exalted significance in his esteem. It was the summary of his morals, the constant incitement to his labours, and the practical demonstration of his piety. It rendered him humble before his God, faithful to his country, true to his fellow-man, scrupulous in judgment of himself.

Constructing his religious opinions upon this basis, his mind rejected

a religious sensualism in all its forms. He sought in religion a gratification of the understanding and not of the senses. He cultivated a simple worship, which did not depend upon the stimulus of the imagination for its earnestness or its perseverance. "I do not think" —he says in his correspondence—"that enthusiasm constitutes religion, or that Heaven is pleased with the smoke of the passions, any more than with the smoke of rams or bulls. There is a calm, steady, enlightened religion of the rational soul, as firm as it is temperate, which I believe is the religion of Heaven. Its raptures are those of the mind, not of the passions; its ecstasies are akin to those of David."

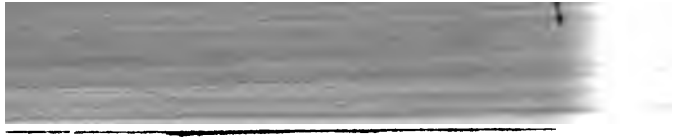
I have thus presented the character of Mr. Wirt in every relation which I suppose would interest the inquiries of my reader. In the course of these Memoirs much has been developed, in regard to that character, upon which I have not thought it necessary to make a comment. His affection towards his family, his attachment to his friends, his charity and benevolence towards mankind, his courage, his self-respect, and his integrity are sufficiently illustrated in the general tenor and frequent incident of this narrative. Truthfulness, —that surest index of a noble nature—stood in the front of his virtues. I have read a great mass of Mr. Wirt's letters—several hundreds—collected from all quarters, and belonging to every period of his life. They have reached me by contributions from those to whom they were written,—not from copies preserved by the writer, which might lay them open to the suspicion of assortment. I have not found, in one, the assertion of a fact or the avowal of a motive of conduct, which any other letter in the collection proves to be insincerely uttered; not an instance, even, of what might be thought pardonable duplicity. Few writers of letters, much less industrious with the pen than he was, would be willing to submit a promiscuous and unguarded correspondence to such a test. Truth to the world and truth to his own heart was the lamp which lighted his footsteps through the pilgrimage which it has been my task to describe.

This biography is now finished. Its aim is to give a full and faithful narrative of the life of a man who gained a national fame whilst he lived, and who is entitled to be remembered now that he is dead.

The narrative has been made up from memoranda supplied by his own letters, from contributions of friends, and from the writer's own personal acquaintance with the subject of his Memoir. I have to apprehend the judgment of some readers who may think that I have magnified incidents of a trivial character into undue importance; of others, who may believe that I have exposed too much of the private opinion of him whose history I have written; of others, again, who may impute to me a too sedulous desire to praise and exalt the character which I profess to represent with impartial truth.

My answer is—I undertook to write the life of William Wirt, because I believed it worthy to be written, or—what is equivalent—worthy to be held up to imitation: that, in the illustration of character, incidents which may be deemed trivial in themselves, often become useful exponents of human quality, when presented in their proper place in a general picture: that, in what I have published, I have violated no confidence which has not either been cancelled by time, or submitted to my discretion by those whose consent was alone to be asked. Finally, that whilst I have not failed, upon occasion, to notice the deficiencies which are entitled to be considered in forming a true estimate of my subject, I admit that I have dealt far more prodigally, and, I may add, gratefully, in praise. I hold it to be the biographer's duty to turn the virtues of an illustrious man to the best account, by giving them a prominence which shall conciliate all regard. The faults of a good man are but transient blemishes, which quickly fade from view. His virtues are unchangeable, ever present and imperishable. He who has to speak of both should observe the proportion indicated by this truth.

THE END.



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